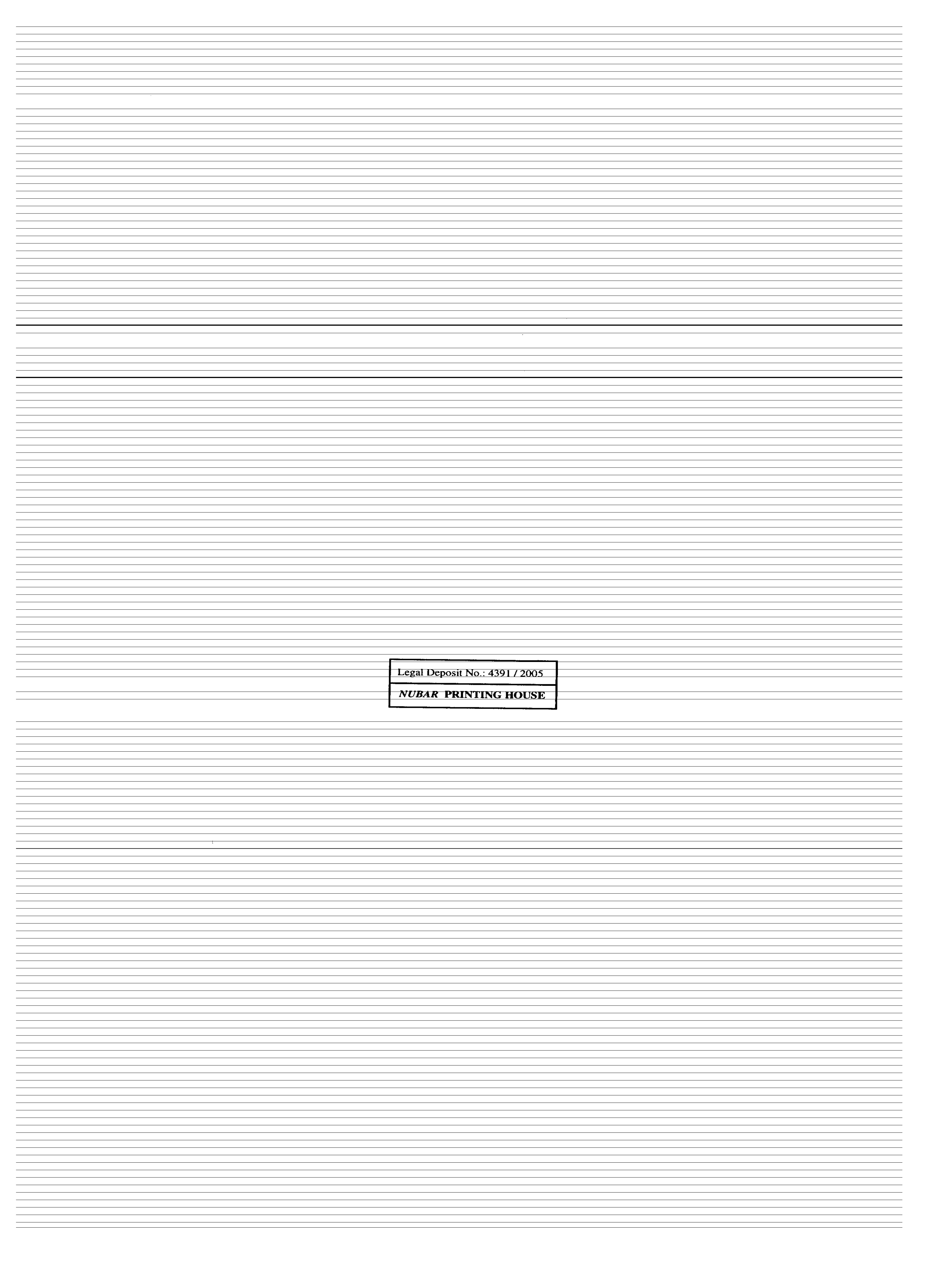
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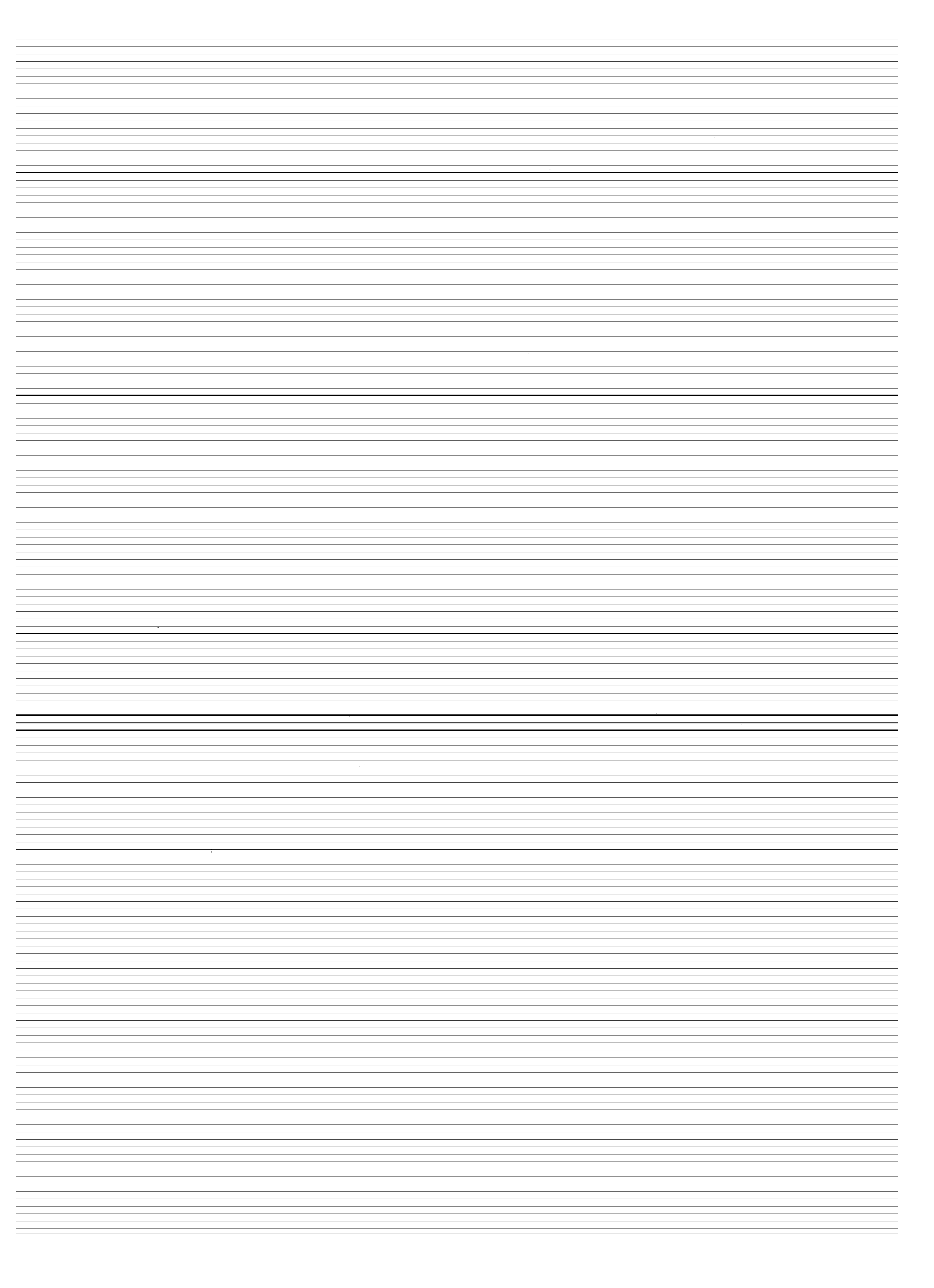
Armenian Question and International Relations

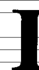
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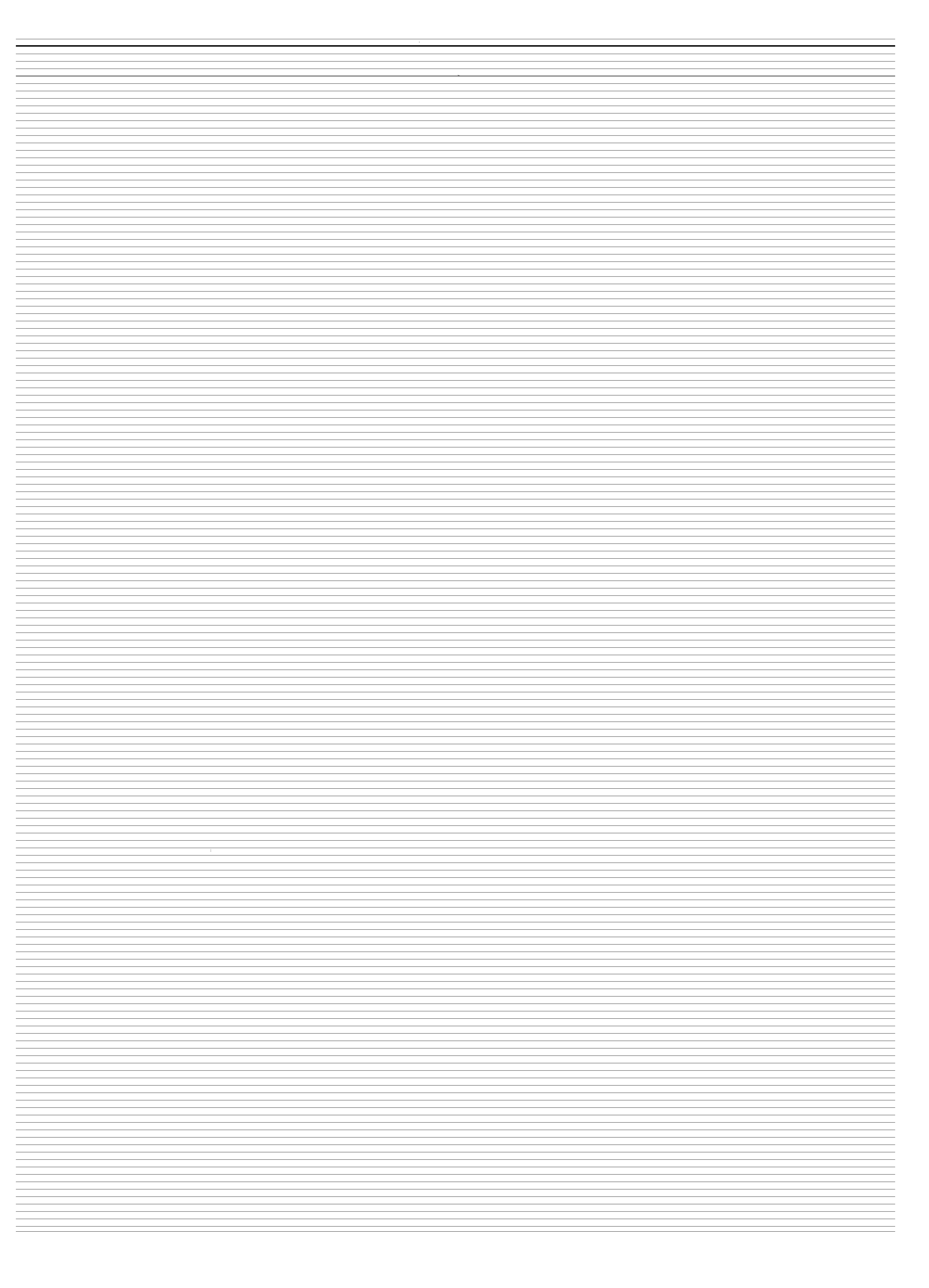
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The Armenian Question and Its Solution : Armenians in Ottoman Turkey (1876 - 1918)



Armenians in Ottoman Turkey (1876 - 1918)*

The reforms initiated by Selim III which culminated in the "Imperial Rescript" of 1856 had not resolved the socioeconomic and political troubles of Ottoman Turkey. Although the urban population in Constantinople had benefited from the new safeguards, the majority of the inhabitants, that is the peasants, were not affected. Yet, the Armenians were the only large Christian group who, despite a cultural revival, had not sought autonomy or separation from the Ottomans. In the Balkans, with the exception of the Bulgarians, most of the other major national groups had already gained autonomy or independence. The Armenians, however, only longed for a stable and fair government. There were a number of reasons for the behavior of the *loyal millet.* More than a thousand years of invasions, Armenian emigrations, and the settlement of Turkish and Kurdish tribes in Armenia, had resulted in the fact that Armenians had but a plurality in some places and a majority in only a handful of districts of western Armenia. Thus, unlike the Arabs or the Christians of the Balkans, Armenians did not constitute a majority in their homeland. More importantly, the Armenian leadership consisted of urban merchants, who did not live in Armenia, among the still-dissatisfied peasants. By the mid-nineteenth century, almost all of these leaders lived in Constantinople, Smyrna, Cairo, Alexandria, Aleppo, Tiflis, Baku, New Nakhichevan, Moscow, St. Petersburg, or other urban centers of Europe and Asia. They not only were far removed geographically from the Armenian workers and peasants, but had little in common with them. With the exception of a few mountainous enclaves, Armenians in the interior, had no military leaders or noblemen to rally the population. The Armenian urban elite was generally respected by the states in which they lived and, in fact, found working with the ruling power advantageous to their socioeconomic wellbeing. With the exception of Etchmiadzin and Aghtamar, the Church hierarchy was also removed from

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* Bournoutian, George A. : A History of the Armenian people, 2 Vols, California, 1994, Vol . 2, pp. 95 - 103.

Armenia and the majority of Armenians. It, too, advocated conservatism and advised its flock to accept their condition. The Armenian political awakening began in the diaspora and found its way to the agrarian homeland only in the second half of the nineteenth century.

Socioeconomic Conditions in Western Armenia

The Armenian population of western Armenia, unlike that of eastern Armenia, was dispersed on a much larger territory and was separated by numerous Kurdish and Turkish settlements or pasturelands. Certain common features dominated village life in eastern and western Armenia. Like most peasants of that period, the Armenians of eastern Turkey were, until the last quarter of the nineteenth century, generally illiterate. They spoke local dialects of Armenian, Kurdish or Turkish. Family structure was patriarchal and patrilineal, with property divided equally among the sons. Local traditions and regional customs were strictly observed and except for articles of personal use, such as weapons, tools, and jewelry, most property was shared among the extended family. Houses were small and mud-brick and centered around the *tonir,* or clay-oven which was dug in the ground. The wealthiest and most experienced man was usually elected the village elder. He mediated disputes, administered justice, and distributed the tax load of each extended household. His compensation for this work was in the form of free labor and gifts. Prior to the second half of the nineteenth century, few families, except those claiming noble ancestry, had surnames. After that time individuals took the root of their surname from either the Christian name of the clan's founder, his profession (if he was a craftsman or tradesman), or his birthplace. To this root was added the ending *ian, iants, ints, units,* or *ents.*

Aside from speaking a different dialect of Armenian than their eastern countrymen, the residents of western Armenian villages differed most greatly in the configuration of their houses. Ever on guard against Kurdish raids, extended Armenian families lived in close proximity, with houses connected by covered passageways and contiguous roofs. As the photograph

of Zeitun illustrates, the western Armenian village could appear to be one unending maze of houses. This sense of physical insecurity also resulted in western Armenian women marrying at a younger age - usually from thirteen to fifteen - and in both men and women seeking to blend in with their Muslim neighbors by wearing clothing similar to theirs. Western Armenian women thus appear to have worn more embroidery, jewelry, and in some regions, even veils.

The decades of reforms not only did not improve the lot of western Armenians, but actually worsened it. The local Turkish or Kurdish chiefs resented any interference by the capital and felt that the reforms threatened their control over their Muslim and Armenian peasants. Armenian village heads and provincial churchmen, encouraged by the reforms, would seek redress by writing petitions. The central government's inevitable inaction, however, would embolden the local *agha, beg,* or *pasha* to retaliate against the Armenians by driving them away from their land. The number of landless Armenians who migrated to the cities increased dramatically after 1856. Many of those who remained were reduced to what can only be described as serfdom or slavery.

The Zeitun Rebellion

Arab, Byzantine, Turkish, Mongol, and Turkmen invasions had decimated the ranks of Armenian feudal lords and military leaders. The fall of the Armenian kingdoms in Armenia and Cilicia nearly obliterated the remaining power of the princes and nobles. Some emigrated, others converted or entered the service of the new rulers of the land. Some nobles, however, managed to escape to the mountainous valleys of Armenia, notably Karabagh and Zeitun, where they remained autonomous. Zeitun, northeast of Cilicia, had been attacked, but its 25,000 inhabitants, ruled by these autonomous princes, defended themselves against Turkish incursions and had never been conquered. In the first half of the seventeenth century, Sultan Murad IV (1623 - 1640) agreed to leave the Zeituntsis in peace, in

exchange for its tribute for oil for the lamps of the Hagia Sophia Mosque. No Turkish officials were sent there and the population, some of them armed, maintained their autonomy.

By the mid-nineteenth century, the national awakening in the Balkans and the Russian encroachment into the Black Sea region and Transcaucasia, brought close to half a million displaced Muslims into Anatolia. Having been driven from their homes by Christians, they demanded that the central government find them a place to live. Those coming into western Anatolia were settled around Cilicia, while those arriving in eastern Anatolia found a new home in western Armenia. The central government, which had once more tried to take Zeitun by force but had failed, hoped that the arrival of these groups would aid in curbing Zeitun's growing independence. By settling Circassian and other immigrants in western Anatolia, they hoped that they would accomplish what the Kurds and Turkmen had in eastern Anatolia. When that proved unsuccessful, the Turks in 1862 alarmed by the French intervention in Lebanon a year earlier, decided to take control of Zeitun. Claiming that the people of Zeitun had not paid their taxes, a large Turkish army attacked the region. On August 2, 1862 the Armenians defeated the Turkish army inflicting heavy losses, and capturing cannons and ammunition. The Turks then laid siege to Zeitun, hoping to starve it. The Armenians, as the Maronites had done in Lebanon, asked the help of Napoleon III. The French forced the Turks to life the blockade, but the Turks were permitted to build a fort in Zeitun and station troops there. The Zeitun rebellion had left its mark, however. Uprisings in Van (1862), Erzerum (1863), and Mush (1864) followed and according to some historians, may have been the first signs of the political awakening of the Armenians in Ottoman Turkey. Between 1862 and 1878 a number of small self-protection unions, lodges and societies were formed in Cilicia and Van. The Union of Salvation (1872) and the Black Cross Society (1878), both established in Van, set the stage for the first Armenian political party.

The Armenian Question

The Armenian Question, according to at least one historian, had its origins in 1071 when the Seljuk Turks defeated the Byzantines in the Battle of Manzikert and became the first foreign group to systematically settle in Armenia. The question was not placed on the international agenda, however, until 1878. Until then the problems of Armenians in eastern Anatolia were unknown in the West and were not included in any discussions concerning the conditions of the Christians living under Turkish rule.

Three years earlier, in 1875-76, Bosnian and Bulgarian peasants rebelled against Turkish misrule and the entire population of several of their villages was massacred in retaliation. Europe and its press demanded an immediate solution for the century-long complaints of the Balkan Christians. The British government was in the hands of the conservatives, led by Benjamin Disraeli, who believed that as the only bulwark against Russian penetration into the Mediterranean, the Turks had to be supported at all costs. Pressures from the liberal opposition led by William Gladstone, as well as mounting world opinion, however, forced Disraeli to call a conference.

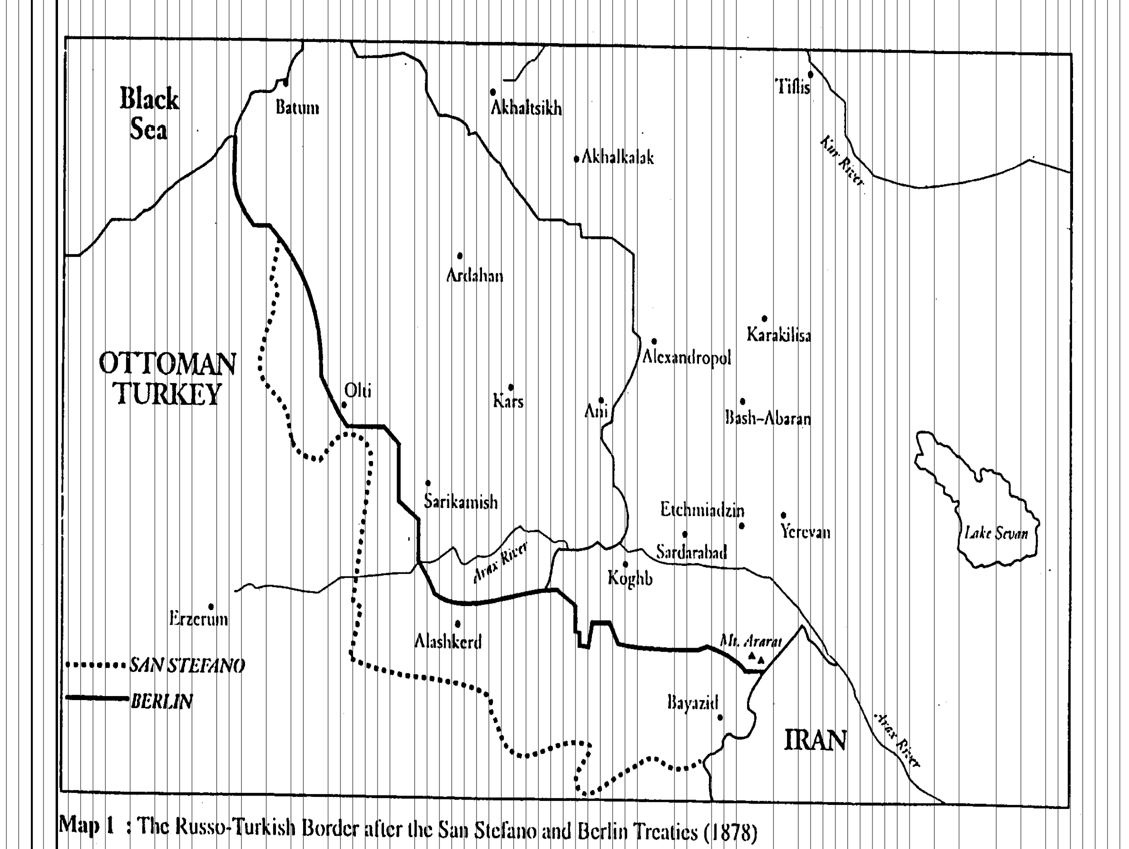
In December 1876, the major European powers all gathered in Constantinople to resolve the Eastern Question once again. To their surprise, they were presented with a constitution that had been drafted by the Young Ottomans - Armenians, represented by Grigor Odian, were also involved in creating the document - and had been signed by the new young sultan, Abdul-Hamid II (1876-1909). Based on the Belgian constitution of 1830, with some changes to assure the sultan's power, the Ottoman constitution guaranteed civil rights, religious freedom, and security of life and property for all. It contained articles for the separation of the legislative, judicial, and executive branches and provided equality for all citizens before the law.

The diplomats, especially the British, felt that such a liberal constitution made any discussion relating to the Balkan Christians superfluous and the

conference adjourned. The Bulgarians and other Orthodox or Slavic minorities in the Balkans felt betrayed and the Eastern Question, now labeled the *Eastern Crisis,* continued to smolder. Pan-Slavic feelings in Russia were extremely high and encouraged the tsarist government to resolve the issue by war. The Russians calculated that this was the best time to totally nullify the Paris Treaty of 1856. They had already begun to break the terms of that treaty in 1870 when, taking advantage of the Franco-Prussian War, they abrogated the clauses relating to the Black Sea and once again fortified their Black Sea ports. The defeat of France and the emergence of Germany as a new power in 1871, freed Russia to act and in 1872 resulted in the Three Emperors' League, by which Prussia, Austria, and Russia loosely agreed to support each other against outside attacks.

The refusal of the Turks to discuss the situation in Bulgaria gave Russia the excuse to enter Moldavia in 1877 and the last Russo-Turkish war of that century began. Once again the war was fought on two fronts, in Eastern Europe and western Armenia. The Armenian hierarchy in Constantinople, which did not trust Russian pan-Slavism or the Russian Orthodox Church, publicly supported the Ottomans. The Armenian population in western Armenia, however, was weary of its intolerable conditions, and when Kurds, taking advantage of war, once again attacked Armenian villages, the Russian army, led by Armenian generals and accompanied by Russian Armenian volunteers, was welcomed. By 1878 almost all of western Armenia was liberated and the Russian army in Europe was within reach of Constantinople. The Turks agreed to a cease-fire and negotiations began. The Armenian intellectuals of Constantinople, after receiving news of the atrocities committed in western Armenia by Kurds, Circassians, and Turkish irregulars, demanded that their leaders end their caution and ask the former Russian ambassador to Constantinople and other Russian officials to include the future of the western Armenians in the peace talks.

The Treaty of San Stefano (March 3, 1878) formed a totally independent Romania, Serbia, and Montenegro, the latter two receiving additional territory from Bosnia and Herzegovina and Macedonia. A large autonomous



Map 1 : The Russo-Turkish Border after the San Stefano and Berlin Treaties (1878)

Bulgaria, which included most of Macedonia and had access to the Aegean was also created. As for western Armenia, the Russians annexed Kars, Ardahan, Alashkert, and Bayazid (see map 1). Although the rest of western Armenia was to be returned to the sultan, article 16 of the treaty provided for Russian troops to remain in the Armenian provinces until the Turkish government carried out the reforms requested by the Armenian inhabitants, and to secure them against Kurdish and Circassian raids.

The British, headed by Disraeli and Foreign Secretary Robert Salisbury, and the Austrians headed by Count Andrassy, denounced the treaty and threatened war. Tsar Alexander II, troubled by revolutionaries, and urged by the German chancellor, Otto von Bismarck who promised to act as the "honest broker," agreed to a European gathering in Berlin within two months. An Armenian delegation, led by the former patriarch of Constantinople and later Catholicos, Khrimian, visited the various capitals of Europe to convince the European diplomats to grant western Armenia the same status as Lebanon - that is, a Christian governor, local self-administration, use of revenues for local projects, civil courts, and a mixed Armenian and Muslim police force. The great powers, however, spent the time prior to the conference in secret meetings in which the British, Austrians, Russians, and Turks made their own separate agreements. By the time the delegates arrived for the Berlin Congress (June 13 - July 13, 1878), the fate of the Balkans and the Armenians was, for all intents and purposes, already decided.

The Treaty of Berlin created a smaller autonomous Bulgaria with no outlet to the Aegean, with most of Macedonia remaining under Turkish rule. Serbia and Montenegro became independent but did not gain much territory. The Serbs were especially stung when Austria was handed a mandate to administer Bosnia and Herzegovina, which remained under the authority of the sultan, and to garrison the sanjak of Novi Bazar, a strip of land lying between Serbia and Montenegro. The British were granted Cyprus, an

important base in the Mediterranean from where they could keep an eye on the Suez Canal. In exchange, they promised that if the Turks carried out new reforms, they would defend them against any further Russian aggression in Anatolia, that is western Armenia. French ambitions were satisfied by granting France the right to occupy Tunis. Romania became independent, but gave up southern Bessarabia to Russia. In Anatolia, the Russians annexed Kars, Ardahan, and Batum, but gave back to the Turks Bayazid and Alashkert, through which the main overland trade route from Iran to the Black Sea port of Trebizond passed (see map 1). Armenian self-rule was not discussed; instead article 61 removed Russian troops and substituted them with a collective European responsibility - without direct supervision - for the implementation of reforms in western Armenia. Khrimian's disappointment was expressed in a speech in which he advocated armed struggle.

Armenian Political and Revolutionary Movements

For the next two years the great powers carried out their responsibility and would occasionally remind the Porte of its promises towards the Armenians. Gladstone, a supporter of the Christians in the Ottoman Empire, became prime minister in 1880 and may have pressured the Ottomans to carry out new reforms, but a year later global events diverted Europe into other directions. Pan-Slavic activities in Austria-Hungary and concerns over a possible Franco-Russian alliance resulted in Germany and Austria coming to terms and favoring the Turks. Tsar Alexander II was assassinated and his son and successor, Alexander III (1881 - 1894) was not a friend of the Armenians or other minorities. Moreover, colonial expansion in Africa, Southeast Asia, and China distracted the great powers from the Armenian Question.

In the meantime, the Congress of Berlin had not only disappointed the Armenians, but had left them in a precarious position. The *loyal millet* was now suspect. A number of Armenian villages were raided by Kurds and Circassians. The patriarch tried to ease the situation by declaring his loyalty

and stating that unlike the Balkan Christians, the Armenians had never wished to separate from the Ottoman Empire. He hoped that the promised reforms would resolve the Armenian Question. Sultan Abdul-Hamid did not accept the patriarch's assurances. Realizing that the European powers would not now intervene, he encouraged local officials to use a free hand in western Armenia. The petitions of Armenian leaders in the provinces regarding extortion, abductions by the Kurds and Circassians, and the breakdown of law and order were completely ignored by the government. Most Armenians had lost the courage to defend themselves or speak out against injustice. Like the Jews of Russia, they accepted their fate. In addition, Sultan Abdul-Hamid recruited some of the Kurds into irregular cavalry units (known as the *Hamidiye*) to carry out pogroms against the Armenians similar to those against the Jews perpetuated by the Cossacks in Russia. Although the established Armenian leadership did not support the activists, whose anti-clerical and socialistic slogans disturbed the Church and merchant elite, Abdul-Hamid viewed all the Armenians as a threat. He distorted the ideas of the Islamic reformer Jamal ad-Din al-Afghani (1838 - 1897) to his own ends. Whereas al-Afghani, who had visited Constantinople and who had communicated with the sultan, preached the union of Islamic peoples and values to resist and overthrow Western imperialism, Abdul-Hamid used his position as caliph to unite all Muslims in the empire against Christian revolutionaries in the Balkans and Anatolia.

The disappointment following the Congress of Berlin affected Armenian writers as well. The romantic period was at an end. The romantic novelists were replaced by realists. Hakob Baronian (1841 - 1892) wrote satirical plays, Grigor Zohrab (1861 - 1915) wrote vivid short stories, and Ruben Zartarian (1874 - 1915) gathered country legends and folk tales. Others from this generation include Siamanto, Varoujan, Medsarents, and Odian. The press followed the movement and in 1884 Arpiar Arpiarian (1852 - 1908), started *The Orient* as a forum for the realists.

By 1881, realizing that European assurances concerning western Armenia meant little, a number of Armenian intellectuals ignored the advice

of their elders, and, following the resistance movements of the Balkans and the armed struggle of the Armenians in Zeitun, began to organize defense groups in a number of locations. The most famous of these was the Defense of the Fatherland Society of Garin (Erzerum) where armed youth vowed to protect their people. By 1885, the first Armenian political party (the only one formed in Armenia), the Armenakan, was formed by the students of Mkrtich Portugalian, a teacher in Van. Organized by Mkrtich Terlemezian and influenced by the nationalism of Khrimian, the Armenakan platform advocated general education, armed resistance, and the preparation for eventual self-government. Portugalian, who had been expelled from Turkey a few months earlier, founded the newspaper, *Armenia,* in Marseilles that same year. His activities in Europe influenced a number of Russian Armenians studying abroad, who, as will be seen, soon started their own revolutionary organization, the Social Democrat Hnchakian Party in Geneva. The Armenakans continued their activities in Van and recruited members among the Armenians in Iranian Azerbaijan, Caucasus, and Bulgaria. Neither Portugalian nor the Armenakans advocated independence. They organized armed bands and for the next decade defended the region of Van from Kurdish raids. By the end of the century a small number of Armenakans were absorbed into the larger and more organized Armenian political parties, such as the aforementioned Hnchaks and the later Federation of Armenian Revolutionaries, or the Dashnaktsutiun, which had emerged in Tiflis. The majority eventually joined the Sahmanadir Ramkavar and the later Ramkavar party.

The Armenian revolutionaries disagreed on their course of action. The Hnchaks felt that anti-government demonstrations would send a message to the European powers that article 61 of Berlin was not forgotten by the Armenians. The Young Ottomans, who soon established themselves in Geneva as the "Young Turks", did not agree with much of the Hnchak platform, but decided to join with the Armenians in the hope of overthrowing the sultan and achieving a constitutional government. In 1890 the Hnchaks, challenging their own clerical leaders, organized

demonstrations in Erzerum and in the Armenian cathedral of Constantinople in Kum Kapu. Such protests attracted new members, but also resulted in repression and the death of numerous demonstrators and party officials. Armenians in Russia reacted as well, and in the same year a small expeditionary force, apparently sanctioned by the Dashnaktsutiun, under the leadership of Sarkis Gougounian planned a raid on Turkey. Although it failed, the message was clear : Armenians in Russia had not forgotten the Armenian Question either. In 1894, the Armenian mountaineers of Sasun, frustrated by unfair taxes and services required by Kurdish and Turkish khans and pashas, and encouraged by the Hnchaks, rose in armed rebellion. Although they managed to hold out for a month, promises of amnesty and submission of an official petition to the sultan, induced them to surrender. The agreement was merely a ruse, however, and some 3000 Sasuntsis were killed. Europe protested but did not act and killings occurred in other regions. In September 1895, the Hnchaks, in order to force the Europeans to as conducted a huge demonstration in front of the Sublime Porte (known as the Bab Ali demonstration) which ended in terrible bloodshed, with hundreds of Armenians losing their lives. The action, however, forced the British to demand some changes, to which Abdul-Hamid, after some procrastration, agreed.

The Massacres of 1895 - 1896

The sultan, however had no intention of changing his policy towards the Armenians. For the time being Russia, under the new tsar, Nicholas II (1894 - 1917), had abandoned its active role in the Balkans and Anatolia, while the remaining European powers had other issues to attend to. Their interest in the Balkans and Anatolia could resurface at anytime, however. Faced with the disintegration of his empire in the Balkans, Middle East, and Africa, Abdul-Hamid considered an Armenian national and political awakening in eastern Anatolia especially dangerous, for, if the Armenians succeeded in gaining autonomy or independence, as had the Balkan Christians, the Turks would lose a large part of what, by then, they had come to view as their

homeland. Relatively few Turks, after all, had settled in the Arab lands or in the Balkans; the majority had settled in Anatolia. In addition, Anatolia was the Turks' main agricultural and mineral base, and included their principal trade routes. As long as the Armenians accepted an inferior position they could continue to be of service to the empire. Otherwise they would have to be taught to submit.

In October 1895 Turkish and Kurdish forces, with orders from Constantinople, began a systematic attack on Armenian villages and on the Armenian quarters of towns in the six Armenian provinces. Massacres, forced conversions, and looting continued until the summer of 1896. Sources estimate between 100,000 to 200,000 Armenians were killed and over half a million were left in poverty. Hundreds of monasteries and churches were forcibly converted to Islam. Van and Zeitun, where armed Armenians fought back, saw less damage. Throughout all this, the British, French, and Russian envoys protested but refused to act. Except for a handful of armed men, led by popular leaders in Sasun, Bitlis, Van, and Mush who fought back, the majority of the Armenians were too stunned to react. Tens of thousands emigrated to the Arab lands, Europe, and the United States and the political demonstrations evaporated.

The Armenakan and Hnchak top ranks were decimated; the Dashnaks remained the only active party. European indifference moved the Dashnaktsutiun, who, up to then, had not participated in the public demonstrations organized by the Hnchaks. On August 26, 1896, twenty-six Dashnaks, armed with explosives and led by a very young Babgen Siuni, took over the Ottoman Bank in Constantinople and threatened to blow it up. They demanded full amnesty, the restoration of property, the immediate implementation of reforms, under the supervision of European officials, in the six provinces, and the introduction of a mixed Muslim-Armenian police force in western Armenia. During the siege, ten of the men were killed and the rest, after being assured by Western diplomats that their demands would be given consideration, left the bank and, under a safe-conduct guarantee sailed to Europe. The Turkish reaction was swift : the government instigated

riots in Constantinople, in which some 6,000 Armenians were killed. The Turkish response to protests over this action was denial and blame on Armenian "terrorists".

The Revolution of 1908

Abdul-Hamid's police, in the meantime, was also active against the Turkish dissidents and intellectuals and arrested a number of their leaders. Between 1891 and 1896, the Young Turks created political cells in Europe. In 1895 another group, the Committee of Union and Progress (*Ittihad ve Terakki Cemiyeti*) was formed with the intention of organizing a coup. They were discovered and most of the leaders were exiled to Europe where they joined the Young Turks. In 1902, the Young Turks joined Armenian Dashnaks, Arabs, Albanians, Jews, and Kurds in the first Congress of Ottoman Liberals held in Paris. Although they agreed to work for a future constitutional state where all nationalities and religions would be accorded equal rights, they disagreed over European intervention on behalf of minorities (the Berlin Treaty's article 61) upon which the Armenians insisted and the Dashnaks refused to participate further. The Japanese victories over Russia and the 1905 Russian Revolution convinced the Turkish, Arab, and Iranian intellectuals that Westernization would put an end to their relative backwardness and allow them to emerge as truly independent states.

The alliance of Armenians and Iranian Azeris in the Iranian Revolution of 1906 brought the Armenians and Turkish revolutionaries closer and they began to plan joint activities against the government. Since earlier attempts by the Armenians to assassinate the sultan had failed, the Young Turks, led by the Committee of Union and Progress, moved to Thrace in 1906 to gather support among the officers of the army in Salonika. In 1907, during the second Congress of Ottoman Liberals, initiated by the Dashnaks in Paris, the Armenians and Turks, this time, agreed to work together for the overthrow of Abdul-Hamid and to create a modern state without European help. The Hnchaks, who had refused to attend either gathering, accused the

Dashnaks of collaborating with the enemy. A year later, the army in Macedonia under the command of the Young Turks, marched on Constantinople, deposed Abdul-Hamid (who retained his title of caliph) and established a constitutional government on July 24, 1908.

A few months later, a group of Armenian liberals and some members of the Armenian middle class, inspired by the Ottoman constitution and opposed to terrorist tactics sought to establish a different kind of political organization. The revolutionaries had already established themselves in Russia, Iran, and Turkey. This left the Armenian community of Egypt as the only powerful Armenian diaspora which had not been affected by revolutionary fervor. The Egyptian diaspora's political and socioeconomic position, as well as the British presence, created an ideal climate for the formation of a new political party which would advocate European liberal traditions and represent the Armenian middle classes of the diaspora. Gathering the remnants of the Armenakans and bringing together those few Hnchaks and Dashnaks who questioned their zealous leaders, these Armenian professionals founded the Armenian Constitutional Democrat Party (*Sahmanadir Ramkavar*) on October 31, 1908 in Alexandria. The party opened a branch in Constantinople, where they attracted many new members and where they later (1921) emerged, under a slightly different name, (*Ramkavar Azatakan*), as one of the major Armenian political parties.

In the meantime, Armenians and Turkish leaders of the capital celebrated the end of Abdul-Hamid and applauded the new era of Armeno-Turkish cooperation. A number of Armenian intellectuals became members of parliament and a bright future was predicted. Even the Hnchaks; who had refused to cooperate with the Young Turks, decided to refrain from underground activities and to await reforms. The honeymoon lasted less than a year, however. Taking advantage of the revolution, Austria annexed Bosnia and Herzegovina, Bulgaria declared its independence, and Crete declared its union with Greece. Reaction in Turkey resulted in a coup and the return of Abdul-Hamid for ten days in April 1909. During those ten days and immediately after the return of the Young Turks, over 25,000

Armenians in Cilicia were killed by Turkish nationalists and reactionaries. Once order was restored, Abdul-Hamid was sent into exile, and his weak brother, Muhammad V, (1909 - 1918) became sultan and caliph.

Although several of the secondary culprits of the massacres were punished, the fact that some Young Turks in Cilicia had approved of and had participated in the act soured Armeno-Turkish relations. Despite this, the Armenian patriarchate and the Dashnaktsutiun, now the most prominent and visible Armenian political party, continued their cooperation with the Young Turks and Armenians enlisted in the Turkish army fought during the First Balkan War (1912). The leadership of the Young Turks was changing, however. Pan-Turkism racism, and militant nationalism was on the rise and its proponents, such as Zia Gökalp, were now part of the Central Committee of Union and Progress. The goal of pan-Turks was to Turkicize the minorities and to unite the Turkic people of Anatolia, Iran, Transcaucasia, Russia and Central Asia into a pan-Turkic empire. The idea gained more adherents following the departure of hundreds of thousands of Turkish refugees from the Balkans during the 1908-1912 period. Turkish territorial losses in the Balkan wars and the declaration of independence by Albania ended the power of the remaining moderates and liberals in the government, and on January 23, 1913, a coup led by the ultranationalists gave dictatorial powers to a small group led by a triumvirate of Enver Pasha, as minister of War, Talaat Pasha, as minister of Interior, and Jemal Pasha, as the Military-Governor of Constantinople. Ignoring the provisions of the constitution, the new leadership ruthlessly suppressed all opposition.

The Genocide

Armenian leaders, fearful of these developments, and faced with the arrival of over 500,000 displaced and obviously anti-Christian *muhajirs,* or Muslim emigrants from the Balkans into western Armenia, once more began to look for outside assistance. In the meantime, however, the international political situation had changed drastically. In 1894 Russia made an alliance with France and in 1907 concluded an agreement with

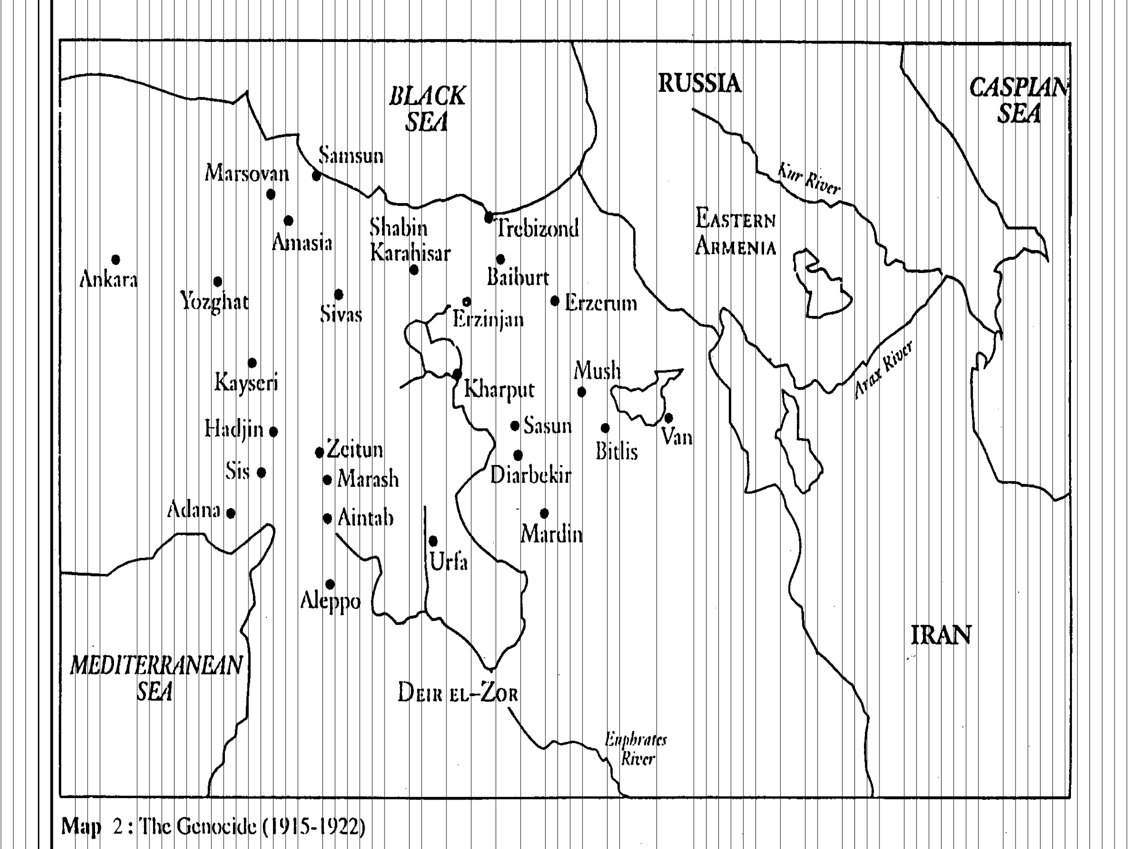
Britain by which they delineated zones of influence in Asia, thus forming the Triple Entente. The Central Powers, or the Germans, Austrians, and Italians, sought their own military and economic alliances against the Triple Entente. The Turks, having lost Britain, their traditional ally, looked toward Germany and were soon purchasing German arms, inviting German military advisors, concluding trade agreements, and planning the Baghdad-Berlin Railway.

By 1913, renewed Armenian political activity, as well as the tense international situation revived the Armenian Question, and Russia urged the powers to convene another conference. The Russian plan was to avoid another war. It had a number of provisions which put western Armenia under a non-Turkish governor, created a mixed police force, dissolved the *Hamidiye,* ended the settlement of Muslim immigrants from the Balkans in Armenian provinces, provided restitution for recent Armenian economic losses, and retained the revenues collected in Armenia for local projects, such as schools. Furthermore, it included Cilicia in this plan. Neither the Armenians nor Russia, however, advocated the separation of western Armenia from Ottoman Turkey.

German and Austrian objections, however, led to a number of compromises and by early 1914 an accord, accepted by the great powers, was signed by Russia and Turkey. The agreement included only a few of the original demands. Turkish Armenia was to be divided into two provinces, supervised by two neutral European governors-general, who would oversee the mixed police force and a number of administrative and fiscal reforms. Cilicia was not included in the plan. By the summer of 1914, Norwegian and Dutch governors had arrived in Turkey and Armenians, although disappointed, hoped that the long overdue reforms would finally be implemented in the six Armenian provinces. Even such mild reforms frightened the Turks, however, who saw in these reforms a gradual autonomy and eventual independence, as had occurred in the Balkan states.

Meanwhile, on the eve of World War One, a secret Turko-German alliance was negotiated with the understanding that the Germans would aid in the realization of the pan-Turanic dream. This meant that the Georgians, Russians, and especially the Armenians, the primary obstacle in uniting the Turkic peoples, had to be eliminated. Their elimination would also enable the Muslim emigrants from the Balkans, to settle in Armenian villages and to recoup whatever wealth they had abandoned in Eastern Europe. Moreover, the Turks felt that in order to create a Turkish bourgeoisie, the Armenian middle class had to be wiped out. Against a stern British warning, Turkey entered the war on the German side in fall of 1914. At the start of the war, Enver Pasha, as a first step in this plan, moved with a large army towards Transcaucasia and Iranian Azerbaijan. The winter campaign of 1914 - 1915 was a disaster for Enver, whose army suffered terrible losses on both fronts. He left the front and returned to the capital. To save face he blamed the Armenians in eastern Anatolia for his failure. The Central Committee now became very apprehensive about the Russian counteroffensive, which was surely to come after the winter thaw.

Immediately after the failed campaign, in February, Armenian soldiers were disarmed and relegated to work battalions. Armenian citizens, who had been permitted to carry arms following the 1908 revolution, were disarmed as well and many men were taken away to perform the most menial jobs in the army. In March the government decided to suppress or destroy the two main Armenian power centers, Zeitun and Van. The Armenians of Zeitun and a number of other towns in Cilicia were the first to be killed and deported. Although a few resisted and fled to the mountains, most of the population was driven to Deir el-Zor in the Syrian desert. Their property was immediately taken over by Muslim emigrants, mostly from Thrace and Bulgaria. The Armenians of Van province were next and by mid-April the Turks succeeded in killing or deporting most of the population of the province. The city of Van, with its 30,000 Armenian majority, was an exception, however. The Armenian quarter barricaded itself and, armed with a few weapons under the leadership of Aram Manukian and Armenak



Map 2 : The Genocide (1915-1922)

Erkanian, managed to hold out until the arrival of Russian troops in mid-May 1915.

By the end of April the stage was set for the final solution to the Armenian Question. On the night of April 24, 1915, over two hundred Armenian writers, poets, newspaper editors, teachers, lawyers, members of parliament, and other community leaders in Constantinople were taken out from their homes at night and later killed. Among them were many of the writers who were born during or after the Armenian literary revival. By the end of the year, some 600 Armenian intellectuals and a few thousand workers had also been arrested and deported into the interior. One of the few noted Armenians to survive was the composer and folk song collector Komitas, who, after witnessing this catastrophe, suffered a breakdown from which he never recovered. Explicit orders were cabled to governors and military commanders of the six Armenian provinces to remove the Armenians by force from their ancestral homeland. The ethnic cleansing followed the same pattern in each province. First, all able-bodied men living in towns or villages were summoned to the municipal headquarters where they were held, or jailed for a short time. They were then taken out of town and shot. The old men, women, and children were then told that they had a few hours or days to leave for new locations. Although some were rounded up in churches which were then set on fire, the majority, guarded by special brigades composed of Turkish criminals and unemployed ruffians, were taken on long marches, where many died from lack of water, food, or exhaustion. Most of those who survived the march, died in the desert camps at Deir el-Zor. Women were raped and old men and boys were burned, maimed or beaten. Many young women were forcibly taken as wives or concubines by Kurds and Turks, and numberous children were also seized and brought up as Muslims. Suicides, torture, and murder decimated the ranks of the deportees who were being driven to Aleppo and Mosul. Few reached their destination, and according to most sources more than one million Armenians who lived in the six provinces perished. By 1916 the entire Armenian population of the regions of Van, Mush, Sasun, Bitlis,

Erzinjan, Baiburt, Erzerum, Trebizond, Shabin Karahisar, Kharput, Sivas, Ankara, Diarbekir, Marsovan, Urfa, as well as Cilicia was eradicated (see map 2). Disarmed, outnumbered, surrounded, and without their able-bodied men, the Armenians went to their deaths with minimal resistance. A few individuals managed to fight back or to escape. The six Armenian villages perched on the side of Musa Dagh on the shores of the eastern Mediterranean. realizing the fate of their neighbors, decided to fight. They resisted the efforts of a large Turkish force for forty days and some 4,000 of them were eventually rescued by French ships. Their heroic stand was later immortalized by Franz Werfel in his novel *The Forty Days of Musa Dagh.*

Some Armenian Catholics and Protestants were shielded by missionaries, but a large number of them faced the same fate as their Apostolic brothers and sisters. The pleas of many foreign diplomats and missionaries, particularly the American ambassador Henry Morgenthau, who tried to intercede on behalf of the Armenians and to stop the carnage, were ignored. Although German and Austrian officials did not have a part in instigating the genocide, they were well aware of preparations for it and, although they witnessed or received news of the events, refused to do anything decisive about the matter (save for the German command in Smyrna). The Armenians of Constantinople and Smyrna were also included in the plan, but, except for the several thousand who were arrested early on, were spared primarily because of the presence of many European consulates and the intercession of American and German diplomats and military personnel. By the time it was over some 1.5 million people had lost their lives and the Armenian Question in eastern Anatolia had been resolved.

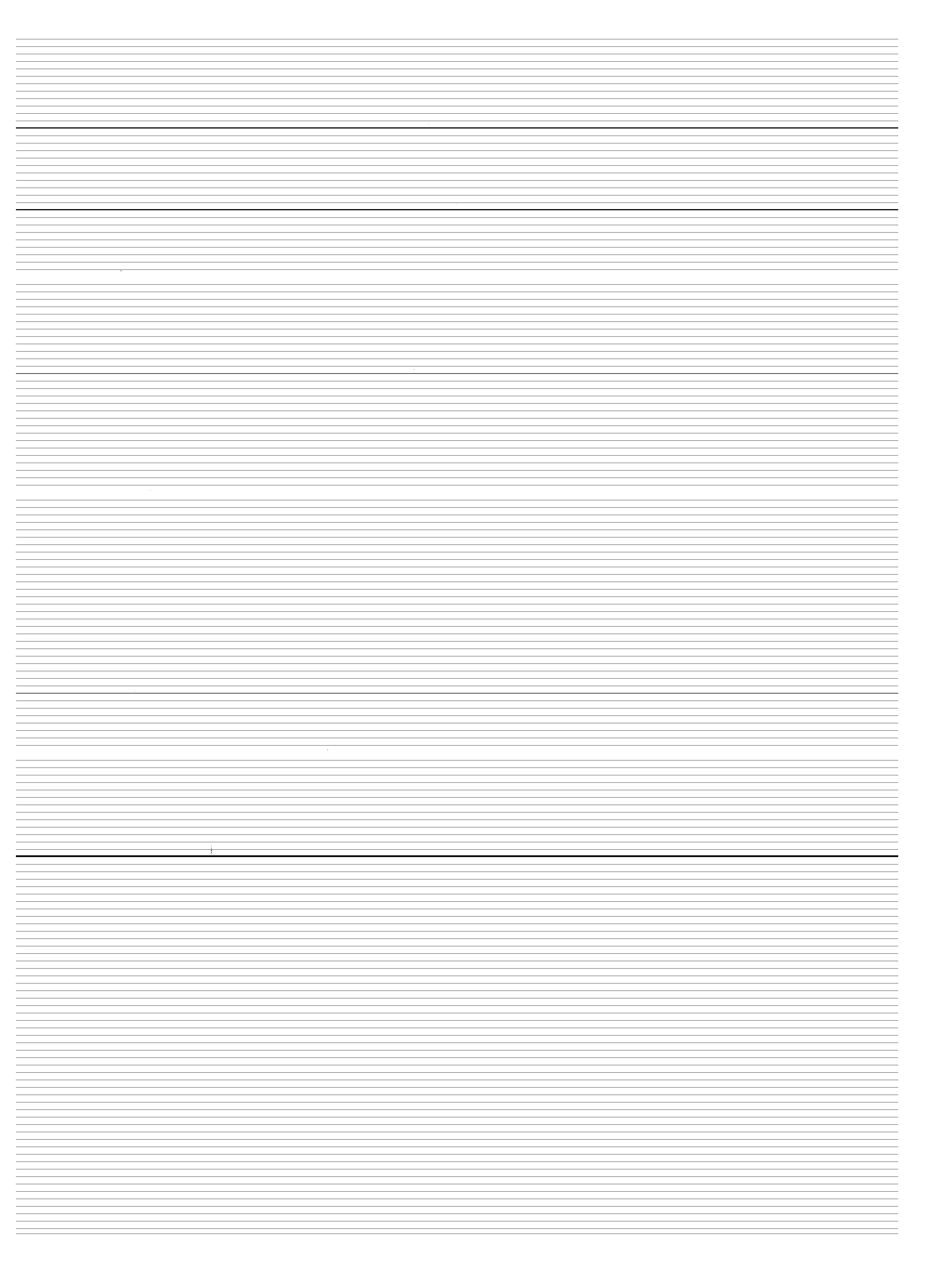
In comparing the Armenian genocide and the Holocaust of the Jews a few decades later, a number of common features appear. In both instances a dictatorial party was in control of the state and obedience to the state was an essential part of the national culture. Nationalism and racial homogeneity was advocated and the preparations for the elimination of specific minorities were coordinated, made in advance, and in secret. Deceptive methods were used to prevent resistance and officials who disagreed or hesitated were

removed. Special brigades and committees were formed to supervise the plan and the military was used to carry out political decisions. Both Armenians and Jews were singled out as traitors and exploiters and their property was looted or confiscated. They both served as scapegoats for the failure of the dominant group. Medical experiments were carried out on both groups, although fewer Armenians were subjected to that horror. Both groups lost about sixty-five percent of their population. Revisionist historians have denied both events or have disputed and minimized the number of victims. A number of Turks and Kurds, like the "righteous gentilies", helped some Armenians to escape by warning, hiding, or letting them go. Those spared in both disasters suffered the guilt of the survivor and their literary responses were very similar. There are a number of differences, however. Due to technological advances, most European Jews were transported by train to the death camps and were killed in a highly organized fashion. The majority of Armenians were marched to their deaths, often naked, or left to die slowly in desert camps. More importantly, Armenians, unlike the Jews, were uprooted from their 3000-year old homeland. The present government of Germany, unlike that of Turkey, has acknowledged the Holocaust and has made attempts to pay reparations, impossible as that may be.

A handful of modern Turkish and American revisionist historians, adopting the official Turkish position, have denied the planned extermination of the Armenians, which was the first genocide of the twentieth century. They assert that Armenian political activities and especially the uprising in Van forced the state to remove the untrustworthy Armenians from the path of the advancing Russian army so that their treachery would not assist the enemy. There was no plan to exterminate the Armenians, they claim; rather they were simply being evacuated from the war zone. They also add that the Armenian population in Turkey, contrary to European and Armenian sources, was not slightly over 2 million, with more than half residing in western Armenia, but was somewhere around 1.3 million, with approximately 650,000 living in western Armenia. Finally,

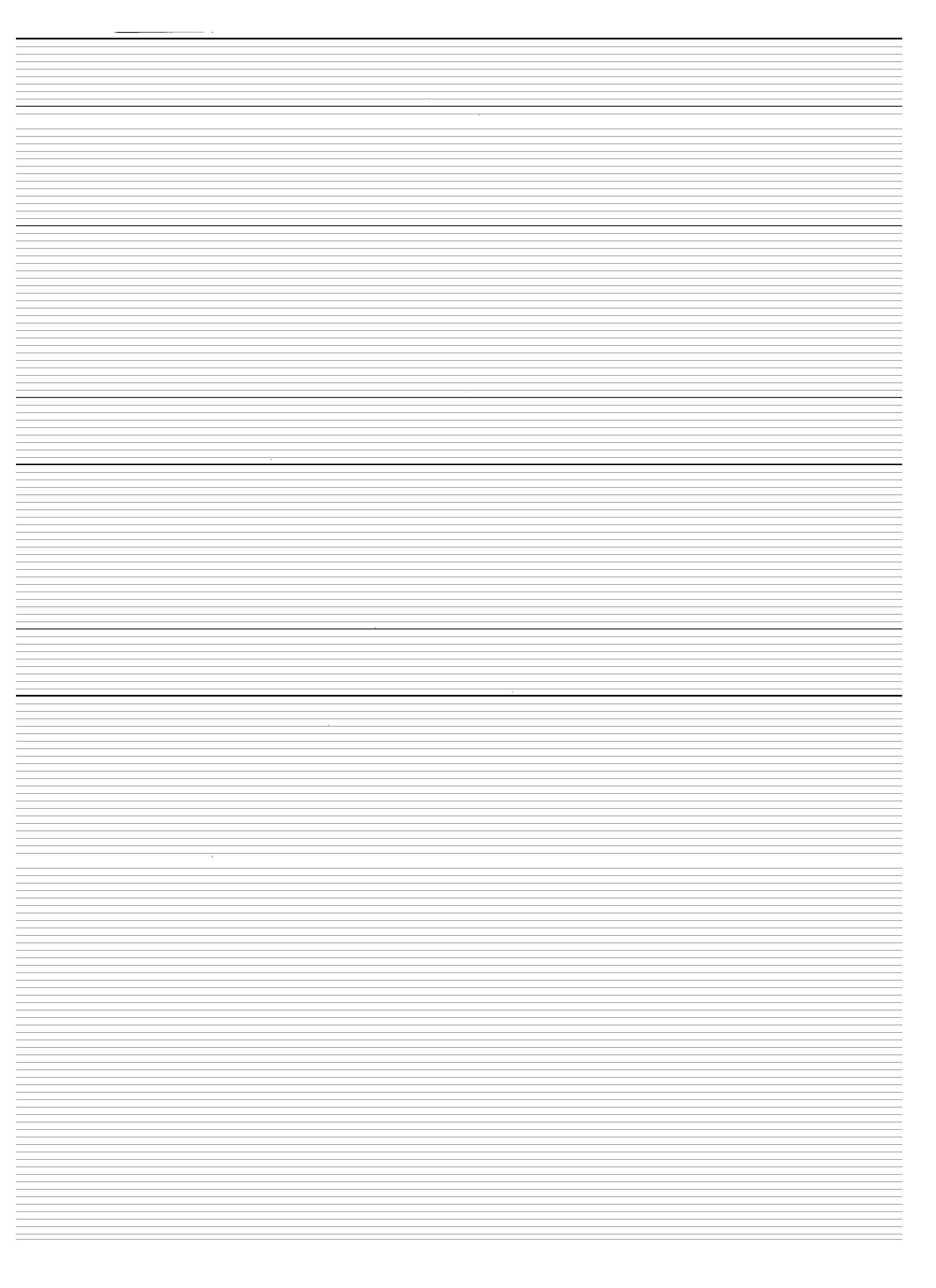
they add that although 300,000 Armenians perished at the hand of Kurds or died through unsanctioned actions of outlaws and hastily-organized deportations, most died from epidemics, lack of supplies, shelter, and other disasters of war, which killed more than two million Turks, some of whom were killed by Armenian armed bands.

Objective sources agree that only a minute percentage of Turkish Armenians offered any help to the Russians; the overwhelming majority remained loyal and some 100,000 enlisted or were drafted into the Turkish army. The revisionist historians ignore the facts that the deportations began earlier than the defense of Van and that Armenians from other regions, far from the war zone, were also deported and killed. The fact that the course of events was almost identical in each hamlet, village, or city in the Armenian provinces, irrefutably points to a well-organized plan. The revisionists also discount reports from German officials in Turkey, who clearly state that Enver Pasha's claim of only 300,000 Armenians dead was inaccurate and that the actual figure, according to their reports, was one million. There are thousands of official reports from American, Italian, and other neutral diplomats, as well as by the German and Austrian representatives, who were allies of the Turks. There are also Arab and even Turkish and Kurdish eyewitness accounts. Furthermore, accounts of various journalists, missionaries, and survivors makes the genocide undeniable. It is true that more Turks died during World War One, but they died as a result of war and not genocide. More Germans died in World War Two than did Jews, but of rather different causes, as well.



II

Responsibility of European Powers and U.S.A.



Responsibility of European Powers and U.S.A.*

In the present Chapter an attempt is made to analyse the responsibility of certain Powers arising from a breach of duty towards the Armenians, under the following headings:

1. Responsibility Under The Treaty of Berlin of 1878

At the conclusion of the Russo-Turkish war of 1877 the Treaty of San Stefano had been signed on March 3, 1878, between Russia and the Ottoman Empire. Article 16 of the Treaty provided :

As the evacuation by the Russian troops of the territory which they occupy in Armenia, and which is to be restored to Turkey, might give rise to conflicts and complications detrimental to the maintenance of good relations between the two countries, the Sublime Porte engages to carry into effect, without further delay, the improvements and reforms demanded by local requirements in the provinces inhabited by the Armenians, and to guarantee their security from Kurds and Circassians.

Furthermore, by the Treaty of San Stefano the Ottoman Empire ceded its eastern provinces of Kars, Ardahan, Batum and Bayazit and the Plain of Alashkert.

However, Tsar Alexander II yielded to the pressure of Europe, particularly Great Britain, and in July accepted a revised settlement negotiated at the Congress of Berlin. Bayazit and the Plain of Alashkert were restored and no longer was evacuation of Russian troops made contingent on the implementation of effective reforms. Instead, the Sultan promised to carry out reforms and was to report to the European Powers collectively. Article 61 of the Treaty of Berlin, signed on July 13, 1878, provided:

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* Toriguian, Shavarsh: the Armenian Question and International Law, Lebanon, 1973, pp. 87 - 117.

The Sublime Porte undertakes to carry out, without further delay, the amelioration and reforms demanded by local requirements in the provinces inhabited by the Armenians, and to guarantee their security against the Circassians and Kurds. It will make known periodically the steps taken to this effect to the Powers, who will superintend their application.

Under the provisions of the above article the European powers that signed the Berlin Treaty undertook to administer a trust - the obligation to supervise or superintend the reforms promised by the Sultan (the trustee) who was accountable under the Treaty to the said Powers and was supposed to report to them periodically.

The notion of trust is not unfamiliar to international law. We find examples of "sacred trusts" imposed on States under the mandatory system of the League of Nations and the trusteeship system of the United Nations.

Furthermore, international law has allowed, in certain cases, individuals or groups of individuals to become beneficiaries from international treaties, departing from the rule that only States can acquire rights and duties under a treaty. Thus, Prof. Georg Schwarzenberger, a well-known authority, writes:

States can, if they wish, make their subjects directly bearers of rights and duties in international law, and thus, to that extent, invest them with international personality(1).

Minority Schools in Upper Silesia (1928) and *Danzing Railways Officials (1928)* are two cases that went to the Permanent Court of International Justice and the Court supported the view that individuals could acquire rights under treaties when the granting of such rights was the intention of the parties as gathered from the tenor and the objects of the treaty.

For all these reasons, it is maintained that the Treaty of Berlin of 1878 imposed a trust on the Ottoman Empire and the beneficiary was the Armenian people. The object of the trust was reforms and security for the Armenians in the provinces in which they lived. It is also maintained that, in

(1) International Law as Applied by International Courts and Tribunals vol. I p. 75 .

the absence of a League of Nations or a United Nations, it is the European Powers collectively that undertook the obligation to enforce and supervise the trust under the Treaty. Hence the failure to carry out the trust in the years following the conclusion of the Treaty entails a responsibility on the part of those European Powers that had signed the Treaty, in addition to the responsibility arising from a breach of trust on the part of the Ottoman Empire for not executing the objects of the trust.

This responsibility is even greater in the case of Great Britain because it had received a consideration (the Island of Cyprus) for the administration of the said trust, under the Anglo-Turkish (Cyprus) Convention of May 30,1878.

Moreover, this responsibility becomes far more serious when we bear in mind that not only the objects of the trust were not fulfilled, but *because* of this trust, that is the reform provisions under article 61 of the Treaty of Berlin, the Turks made life for the Armenians more and more difficult and finally massacred around 300,000 between the years 1894 and 1896.

2. Responsibility Under Declarations Made During the First World War

During the First World War, when the Allies were fighting the Ottoman Empire, they made a number of Declarations which contained promises to the Armenian people. It is maintained that an official declaration containing a promise, if acted upon, creates a legally binding obligation. The various Declarations made by the Allies were taken seriously by the Armenians who acted upon them by organizing volunteer groups fighting on the side of the Russians on the Caucasian Front and on the side of the British and the French in the Middle East. After the collapse of Russia, the Armenians defended the Caucasian front single-handed, for more than six months, against the Turks and the Germans, at the cost of great losses. It is evident therefore that the Declarations made by the Allies had a very important role to play in the determination of the Armenians to fight to the end.

By way of illustration it is now proposed to give some of these Declarations. A careful scrutiny of at least some of these Declarations will

show that they are not mere declarations of intention but are rather solemn promises which become converted into contractual obligations through tacit acceptance by conduct, especially when these promises are made by persons who have authority to bind their respective States.

British Declarations

Arthur Henderson, Laborite leader and member of the Allied War Council, declared in January 1916 the determination of the working class, deeply affected by the Turkish actrocities, that never again should the Armenians be subjected to the Ottoman rule(2).

The *Manchester Guardian* summarized the feelings of the British people when it wrote:

Another word remains - Armenia - a word of ghastly horror, carrying the memory of deeds not done in the world since Christ was born - a country swept clear by the wholesale murder of its people. To Turkey that country must never and under no circumstances go back...(3).

On November 6, 1917, Foreign Secretary Arthur J. Balfour announced in the House of Commons that, although Britain did not intend to terminate the rule of the Turk over Turks, it had pledged to liberate those peoples whose progress had been impeded by the Ottomans and who would flourish as a separate governmental organism(4). Six weeks later, on December 20, Prime Minister Lloyd George, speaking in the House of Commons, repeated one of his declarations:

What will happen to Mesopotamia must be left to the Peace Congress when it meets, but there is one thing which will never happen. It will never be restored to the blasting tyranny of the Turk ... That same observation applies to Armenia, the land soaked with the blood of innocence and massacred by the people who were bound to protect them(5).

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(2) Quoted in A.P. Hacobian, Armenia and the War (1917), p. 52.
(3) Reprinted in the London Times, December 30, 1916.
(4) Parliamentary Debates, House of Commons XCVII 2041 - 2042.
(5) Parliamentary Debates, House of Commons, C (1917) 2220.

Throughout 1918, the British continued to imply that Armenia would be established as a separate State. On January 5, during a historic address to the Trade Unions Conference, the Prime Minister listed the British war aims, one of which read :

While we do not challenge the maintenance of the Turkish Empire in the homelands of the Turkish race with its capital at Constantinople - the passage between the Mediterranean and the Black Sea being internationalised and neutralised - Arabia, Armenia, Mesopotamia, Syria and Palestine are in our judgment entitled to a recognition of their separate national condition[6].

In answering opposition leader Ramsay Macdonald's question as to whether the government was keeping abreast of the Armenian struggle against the Turks and whether the Allies were pledged to settle Armenia's future on the principle of self-determination, Foreign Secretary Balfour stated on July 11:

Yes, Sir; His Majesty's Government are following with earnest sympathy and admiration the gallant resistance of the Armenians in defence of their liberties and honour, and are doing everything they can to come to their assistance. As regards the future of Armenia, I would refer the honourable Member to the public statements made by leading statesmen among the Allied Powers in favour or a settlement upon the principles he indicates[7].

A month later, Lloyd George assured a deputation from the Manchester Armenian community, "Britain will not forget its responsibilities towards your martyred race"[8]. Subsequently, when the end of war was in sight, Lord Robert Cecil, Assistant Secretary for Foreign Affairs, wrote Viscount James Bryce that the "Charter for Armenian Justice" stemmed from the following considerations:

1 - In the autumn of 1914, the national Congress of the Ottoman Armenians, then sitting at Erzerum, was offered autonomy by the Turkish

(6) David Lloyd George, War Memoirs (1936) p. 70.
(7) Parliamentary Debates, House of Commons CVIII (1918) 478.
(8) Rep. of Arm. Archives, File 333 / 1.

emissaries, if it would actively assist Turkey in the war, but it replied that while they would do their duty individually as Ottoman subjects, they could not, as a nation, work for the cause of Turkey and her allies.

2 - Following this courageous refusal, the Ottoman Armenians were systematically murdered by the Turkish Government in 1915, more than 700,000 people being exterminated by the most cold-blooded and fiendish methods.

3 - From the beginning of the war, that half of the Armenian nation under Russian sovereignty organized volunteer forees and, under their heroic leader, General Andranik, bore the brunt of some of the heaviest fighting in the Caucasus campaign.

4 - After the Russian army's breakdown at the end of last year, these Armenian forces took over the Caucasus front and for five months delayed the Turks' advance, thus rendering important services to the British Army in Mesopotamia, these operations in the Alexandrapol and Erivan region being, of course, unconnected with those of Baku.

Armenian soldiers are still fighting in the ranks of the allied forces in Syria. They are to be found serving alike in the British, the French, and in the American armies, and have borne their part in General Allenby's great victory in Palestine[9].

In mid-November 1918, Lord Robert Cecil, in an attempt to dispel the discontent over the laxity of terms of the Mudros Armistice in the British Parliament, declared:-

I recognize fully the strength of the observations that we must not allow the misdeeds of the Turks to diminish the patrimony of the Armenians. That is the general principle. I recognize the great force of what the honourable Member said - that there ought to be no division of Armenia and that it ought to be treated as one whole... As far as I am concerned - and I believe in this matter I am speaking for the Government - I should be deeply

(9) Armenian National Union of America, The Case of Armenia (1919) p. 8.

disappointed if any shred or shadow of Turkish government were left in Armenia(10).

On November 8, 1918, an Anglo-French declaration of Middle East objectives pledged the two Entente powers to assure:

... The complete and final emancipation of all those peoples so long oppressed by the Turks, and to establish national governments and administrations which shall derive their authority from the initative and free will of the peoples themselves(11).

The year 1919 was further marked with pledges by various British statesmen.

First, in January 1919, Great Britain, the United States of America, France and Italy drafted a general formula defining the war aims of the Allies, which included the following paragraph concerning the subject races of the Turkish Empire:

Because of the historic misgovernment of the Turks of their subject peoples and the terrible massacres of the Armenians and others in recent years, the Allied and Associated Powers are agreed that Armenia, Syria, Mesopotamia and Arabia must be completely severed from the Turkish Empire.

Later, speeches by British parliamentarians were abundant, along the same lines. Here are a few examples, from speeches in Westminister, on June 19, 1919:

Viscount Herbert E. Gladstone said:

Armenia for generations has been spoken of, written of, sympathized with; there have been floods of sympathy. But until the time of war little else. The time for action on her behalf has now arrived, and I ask you whether the case of Armenia is not a conclusive argument for the League of Nations. We know the difficulties, great difficulties - difficulties at present,

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(10) Parliamentary Debates, House of Commons CX (1918) 3239 - 3267.
(11) Parliamentary Debates, House of Commons, CX (1918) 3268.

perhaps, insuperable in some respects. But, it is inconceivable that any association of Great Powers, organized for the purpose of guaranteeing the peace and safety and liberty of the weaker nations of the world, should not be enabled to rescue the Armenians from the hideous state of oppression and brutality under which they have laboured for so many years[12].

Viscount James Bryce, said in the same meeting:

Now at last we rejoice to know that the Powers at Paris appear to have finally decided that Turkish rule is to vanish for ever from all the Armenian regions.

I think, and probably you think, that the Turks had too much indulgence shown them in the armistice. The armistice terms ought to have been more stringent. The abominable Turkish Government ought to have been made to realise that they were not only beaten, but that they had committed crimes much too atrocious to entitle them to any consideration whatsoever.

I want to submit to you that an Armenian State must include all Armenia. It must include Cilicia on the south, it must include the valley of those gallant mountaineers who for so many centuries maintained at Zeitoun their independence against the Turks. The Armenian stafe must have access to the sea, in order that its commerce may have the development it is entitled to demand. So also Armenia must include that which was the Russian territory in the Caucasus. In that quarter there has already been established an Armenian Republic, which had received a certain measure of recognition from the Powers as being *de facto* independent[13].

Aneurin Williams declared:

We have all striven to do our duty to your (Armenian) people, recognising that the British nation owed a debt to Armenia - owed a debt because unfortunately it has stood in the way, more than once, of her liberation; once preeminently when the Russian people would have freed

(12) Armenia and the Settlement (1919) p. 15.
(13) Ibid. pp. 17-19.

Armenia from the yoke of the Turk. But the time has come when we believe that liberation has come, and we believe that it will be a blessing, not only to the Armenian people but to the Turks who were their oppressors(14).

Here is what Noel Buxton uttered:

We look to many fruits of liberty to grow out of the great war. But, undoubtedly, to my mind, there is no fruit of liberty among them all which ought to give us such pride and glory as the liberation of Armenia. Few would have said, I believe, before the War began that there were crying grievances for which it would be worth while to make a war. But there was one exception to this: there were people - and the Duke of Argyll, the great conservative statesman, was one of them - who said deliberately that for such a cause as the liberation of Armenia we must not shrink from the great arbiter of war.

This is a moment when the citizens of the world might reflect that a ghastly horror has for long ages resulted from the want of charity and sympathy of the world, and partly from its want of energy in organizing the suppression of evil. But for us Britons there is something more than that to reflect upon. It is for us a moment when we may reflect upon the tragic part we have played, the enormous debt we owe to the Armenian race, we who are told even by a conservative statesman like the Duke of Argyll that "we have kept these people under a barbaric despotism"(15).

French Declarations

The French declarations were even more stirring than those of the British. In April 1916, many French political leaders and intellectuals gathered at the Sorbonne to participate in the "Hommage à l'Arménie", where Anatole France spoke passionately of the pledge of the Allies to free Armenia(16).

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(14) Ibid. pp. 25.
(15) Ibid. pp. 32 - 33.
(16) Hacobian, op. cit. p. 51.

Aristide Briand, Premier and Foreign Minister, wrote to Senator Louis Martin during the first week of November, 1916:

When the hour for legitimate reparation shall have struck, France will not forget the terrible trials of the Armenians, and in accord with her Allies, she will take the necessary measures to ensure for Armenia a life of peace and progress(17).

Two months later, together with the other Allied governments, he announced that the "high war aims" included "the liberation of peoples who now lie beneath the murderous tyranny of the Turks, and the expulsion from Europe of the Ottoman Empire, which has proved itself so radically alien to Western civilization"(18).

On December 27, 1917, soon after Georges Clemenceau had accepted the reins of government, Foreign Minister Stephan Pichon declared to the Chamber of Deputies:

An adherence to the policy of the rights of nationalities has been the honour of our traditions and of our history. It applies, as we view it, to the Armenians, Syrian and Lebanese populations, as it does to all peoples who suffer, against their will, the yoke of the oppressor, be he who he may. Such peoples have a right to our sympathy, to our help. All of them should be given an opportunity of deciding their fate(19).

In a letter to Boghos Nubar on July 14, 1918, Premier Clemenceau reaffirmed the determination of France to settle the fate of the Armenians according to the supreme laws of humanity and justice:

France, the victim of the most unjust of aggressions, has included in her peace terms the liberation of oppressed nations. The traditional defender of such peoples, she on many occasions has expressed sympathy for the Armenians. She has done all possible to extend aid to them.

The spirit of self-abnegation of the Armenians, their loyalty towards the

(17) Le Temps, November 7, 1916.
(18) Lloyd George, op. cit., III p. 64.
(19) Rep. of Arm. Archives, File 1/1.

Allies, their contributions to the Foreign Legion, to the Caucasus front, to the Légion d'Orient, have strengthened the ties that connect them with France.

I am happy to confirm to you that the government of the Republic, like that of Great Britain, has not ceased to place the Armenian nation among the peoples whose fate the Allies intend to settle according to the supreme laws of Humanity and Justice[20].

Raymond Poincare, in a letter to Monseigneur Paul Pierre, dated February 16, 1919, wrote:

The Government of the Republic (of France) does not consider that it has already accomplished the task that devolves upon it with regard to the Armenian people. It knows full well that Armenia, and particularly noble Cilicia, expect it to help them so that it may be possible for them to enjoy in security the benefits of peace and liberty. I may assure Your Beatitude that France shall respond to the faith that has been reposed in her[21].

American Declarations

On December 22, 1917, the Inquiry[22], the special body appointed by the President to formulate the American position on issues that would arise at the peace conference, submitted its preliminary recommendations, among which was the following:

... We must secure a guaranteed autonomy for the Armenians, not only as a matter of justice and humanity but in order to re-establish the one people in Asia Minor capable of preventing economic monopolization of Turkey by the Germans.

And further:

It is necessary to free the subject races of the Turkish Empire from

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(20) Mandelstam, La Société des Nations et les Puissances Devant le Problème Arménien (1970) pp. 472 - 473.
(21) The Lausanne Treaty, Turkey and Armenia p. 1970.
(22) Lawrence E. Gelfard - The Inquiry: American Preparations for Peace, 1917 - 1919 (1963).

oppression and misrule. This implies at the very least autonomy for Armenia and the protection of Palestine, Syria, Mesopotamia, and Arabia by the civilized nations(23).

Two weeks later, on January 8,1918, President Wilson pronounced his famous Fourteen Points, the twelfth of which was applicable to the Armenians:

The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development ...(24).

Armenophiles argued that "autonomous development" was conceivable only in an independent State, and later in the year the President himself declared, "feel very strongly that the Armenians should be given their independence(25)".

In September, the Department of State issued a memorandum to guide the American peace delegation. Point 17 of those instructions read:

Armenia and Syria to be created into protectorate of such Government or Governments as seem expedient from domestic as well as international point of view, with guarantees that they to be self governing as soon as possible and that open door in commercial-economic fields to be strictly observed(26).

On October 14,1918, Congressman Edward C. Little introduced Joint Resolution 336, which read:

Resolved, That the Armenian people are entitled to be a free and independent nation with access to the sea and to secure the advantages of

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(23) US, FRUS, PPC, II, 43, 52.
(24) H.W.V. Temperley, A History of the Peace Conference (1926) VI p. 26.
(25) The United States and Armenia. Armenian Bulletin No. 2, 1945 pp. 3 - 4.
(26) Robert Lansing, The Peace Negotiations: A Personal Narrative (1921) pp. 195 - 196.

that Christian civilization for which they have been martyred. The Republic of Ararat (the Erevan government) should be given universal recognition[27].

Two months later, on December 10, influential Republican Senator Henry Cabot Lodge introduced Senate Resolution 378:

Resolved, that in the opinion of the Senate, Armenia, including the six vilayets of Turkish Armenia and Cilicia, Russian Armenia, and the northern part of the Province of Azerbaijan, Persian Armenia, should be independent and that it is the hope of the Senate that the peace conference will make arrangements for helping Armenia to establish an independent republic[28].

United States Senate Resolutions 332 of March 10,1920, reads:

Whereas, The affairs of the Armenian people, and particularly their relations to the Turks, have reached a critical state which can only be relieved by the proper arming of the Armenian people for the defense of their political liberties and ancient territorial rights: Now, therefore be it.

Resolved, That it is the sense of the Senate that the Government of the U.S. recognize the independence of Armenia under the Government of the Armenian Republic, having its seat at Erivan in Russian Armenia; and be it further.

Resolved, That it is the sense of the Senate that the Allied powers and the U.S. forthwith furnish to the Armenian Republic adequate arms, munitions, equipage, and military stores to enable the Armenian Republic to raise and maintain an army for the defense of the liberty and independence of Armenia, the protection of the Armenian people, and the recovery and occupation of the territories from which the Armenian have been driven by the Turks;

Resolved, further, That it be the sense of the Senate that the proper and historic territories of Armenia be preserved in their integrity for the use and

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(27) Congressional Record, October 14, 1918.
(28) Congresional Record, December 10, 1918.

occupation of the Armenian people and for the support of their national life, and that all, projects for the partition of Armenia be rejected(29).

Bainbridge Colby, Secretary of State, in a message to the French Ambassodr M. Jusserand, wrote on March 24, 1920:

There can be no question as to genuine interest of the Government in the plans for Armenia, and the Government of the United States is convinced that the civilized world demands and expects the most liberal treatment for that unfortunate country. Its boundaries should be drawn in such a way as to recognize all the legitimate claims of the Armenian people and particularly to give them easy and uneneumbered access to the sea. While unaware of the considerations governing the decision reached by the Supreme Council, it is felt that the special rights over Lazistan would hardly assure to Armenia that access to the sea which is indispensable to its existence(30).

Italian Declarations

On November 8, former premier Luigi Luzzatti wired Wilson, Clemenceau, Lloyd George, and Italian Prime Minister Vittorio Orlando to relay the resolution of a mass rally of governmental, intellectual and political leaders. Only the creation of a free and independent Armenia, especially in view of the martyrdom for the Allied cause, would constitute a just settlement(31). Ten days later Orlando replied, "Say to the Armenians that I make their cause my cause(32)". The Italian Chamber of Deputies also called for Armenian independence, and Foreign Minister Sidney Sonnino declared, "I am very happy of the occasion offered me to express once more the sentiments of heartfelt sympathy with which the Royal Government follows the constant and noble efforts of Armenia for her independence and unity(33)".

(29) Congressional Record, March 10, 1920.
(30) FRUS Vol. III.
(31) FRUS Vol. II, 272.
(32) Rep. of Arm, Archives, File 244/1.
(33) James Gerard, England and France in Armenia (1920), p. 2.

Looking at all the above declarations and at more that have not been listed, we see clearly that the European and American Allies were unanimous in their promises to the Armenian people to create a free and independent Armenia after the war.

The Armenians have taken these promises to have been made in good faith and have acted upon them in good faith, through the great contribution they made to the Allied war effort. Furthermore, the Armenians have given valuable consideration in terms of the detriment they suffered at the hands of the Turks: part of the fury in the Armenian massacres can be explained by the fact that the Allies had pledged themselves to free Armenia from the Turkish domination.

C - Responsibility Under the Treaty of Sèvres of 1920

The ground has been covered to a large extent when the Armenian claims under the treaties were analysed in Chapter 3.

However, suffice it to summarize hereunder the main points, coached in terms of State responsibility:

1 - The non-ratification of a treaty does not completely exonerate the signatories from the legal duties thereunder. In addition to the fact that some insist that a State is in principle morally bound not to refuse ratification, it is submitted that legal consequences follow from the refusal to ratify, if such refusal has caused prejudice to one of the parties.

2 - There is a respectable ancient opinion that ratification could not lawfully be refused unless the representatives had exceeded their powers or violated their secret instructions (Grotius, Bynkereshoek). Palmerston insisted that the only available ground for non-ratification was excess of instructions(34). Similarly, Hall maintained that ratification ought not to be refused except for solid reasons(35).

(34) D.P. O'Connell, op. cit., p. 243.
(35) op. cit., p. 341.

3 - Tacit ratification takes place when a treaty, incomplete from want of express ratification, is wholly or partly carried out with the knowledge and permission of the State or States which it purports to bind[36]. The Treaty of Sèvres was partly executed by the signatiories: the separation of the Arab lands from the Ottoman Empire, provided for under the Treaty, effectively took place, in spite of its non-ratification and prior to the signature of the later treaty - the Treaty of Lausanne.

4 - The principle of good faith, which is itself part of the law, requires to refrain, prior to the legislative decision as to ratification, from acts intended substantially to impair the value of the undertaking as signed[37]. Prof. D.P. O'Connell, writing about the legal nature of an unratified treaty, states:

It does not follow from the proposition that an unratified treaty in no treaty at all that it is of no legal significance. Good faith in the context of international law is more that "good form". It has equitable implications that the law cannot ignore. And clearly signature of a treaty is an act of good faith and not an empty gesture. Hence, if a contractor, in reliance upon good faith, commits itself to a course of action and suffers harm from the failure of its co-contractor to ratify, it may have a claim founded in abuse of right. This view, which owes much to French reasoning, is gaining acceptance as the doctrine of abuse of rights comes increasingly to be acknowledged as a useful instrument in international law for the adjustment of the equities between States[38].

In the Certain German Interest in Polish Upper Silisia case[39] the right of Germany to alienate certain property in the interval between the date of the signature of the Treaty of Versailles and its coming into force, was challenged by Poland. The Court, however, found it impossible to regard Germany's action as an infraction of good faith. It is clear, then, that the Court reserved the possibility that a signature results in a legal commitment

(36) Hall, op. cit., p. 339.
(37) Oppenheim-Lauterpacht, op. cit., p. 910.
(38) op. cit., p. 243.
(39) P.C.I.J. Ser. A, No. 7, p. 39 (1926).

to keep faith. In the *Iloilo*[40] claims an indication was given of the "provisional status" which signature can give the parties. It was said that if a country agrees to cede territory to another, it may not, in the interval between signature and ratification, cede it to a third country; or if it agrees to sell commodities it may not dispose of them elsewhere. The obligation, in short, is to do nothing to "injure the Treaty by reducing the importance of its provisions". In 1935 France and Italy had signed a treaty relating to certain African interests. Three years later Italy declared the treaty void for want of ratification, the treaty itself having been expressed to come into force on exchange of ratifications. France replied that the treaty, though unratified, had been partially executed by France, and pleaded the obligation of good faith[41].

The same principle is enunciated by article 18 of the Vienna Convention on the Law of the Treaties which places an "obligation not to defeat the object and purpose of a treaty prior to its entry into force".

The separate agreements of France and Italy with Turkey in February and October 1921 purporting to revise the provisions in the Treaty of Sèvres, and later the signature of the Treaty of Lausanne with Turkey in 1923 by the signatories of the Treaty of Sèvres (with the exception of Armenia) were acts defeating the objects of the Treaty of Sèvres and therefore constituted breaches of international law.

Responsibility on the part of the signatories under international law, therefore, exists under the following headings:-

a - Failure to ratify the treaty when there was at least a moral duty to ratify. This is a breach of good faith in international law.

b - Part-performance of the treaty is as good as ratification. Therefore the treaty created binding obligations, some of which were not executed.

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(40) G.B. v. U.S.A., U.N. Rep; Vol; VI, p; 158 .
(41) M. Jones, Full Powers and Ratification (1946) p. 84.

c - There was an obligation under international law after the signature of the treaty not to defeat its objects. A number of the signatiories defeated some of the main objects of the treaty through various acts.

D - Responsibility Under the Treaty of Lausanne of 1923

The signing of the Treaty of Lausanne was a breach of the principle of good faith in international law since the same signatories (with the exception of Armenia which is not a party to the Lausanne Treaty) had earlier signed another treaty - the Treaty of Sèvres - with different objects. The objects of the earlier treaty were illegally defeated by signing the later treaty.

Again, the Treaty of Lausanne cannot be said to replace or amend the Treaty of Sèvres since the parties were not identical.

Responsibility under the Treaty of Lausanne also arises under another heading - the Minority Clauses. Turkey's responsibility under these Clauses shall be discussed separately in Chapter 9 in greater detail, but the responsibility incurred by the other signatories must be briefly mentioned here.

The Clauses for the Protection of Minorities were inserted in the Treaty of Lausanne for the protection of certain minorities, including the Armenians. However, in the course of the years following the signature and the ratification of the Treaty of Lausanne, we witness a complete disregard of these provisions by the Turkish authorities. One example of such disregard is the forced expulsion of thirty to forty thousand Armenians that had survived the massacres, to Syria, in the years 1929 and 1930(42). Such flagrant breach of the minority provisions by Turkey placed an obligation upon the signatories to hold Turkey responsible for the breach and to insist on the respect of the said provisions.

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(42) Zaven Messerlian, The Forced Armenian Emigration from the Interior Turkish Provinces (in Armenian) in the Haigazian Armenological Review Vol. 3 pp. 101 - 118.

Between the years 1918 and 1922, some of the Allied Powers incurred a further responsibility under international law towards the Armenian people by a criminal negligence and a failure in their duty to protect, in areas that had come under their control. Thus, the massacre of the Armenians in Marach (16,000) when Cilicia wad under French military occupation and similar massacres in Transcaucasia when British Forces in the area had controlling power, aggravate seriously the responsibility of the said Powers in international law. One could also mention the sack of Smyrna by the Turks in 1922 and the massacre of Greeks and Armenians in the presence of the Allied fleet.

E - Liability for Acquisition of Property of Armenian Origin

At the close of the First World War, valuable Ottoman State property had come under Allied control. Most of this property was in the form of sums of money deposited in the banks of the Central Powers, that is Germany and Austria. The larger part of that money was of Armenian origin and could easily be traced back to Armenian ownership. One such example was the deposit of £5,000,000 (Turkish gold) by the Turkish Government in Berlin and taken over by the Allies after the Armistice, mentioned in the Memorial presented to the British Prime Minister, Ramsay MacDonald by Stanley Baldwin, the former Prime Minister and Herbert A. Asquith, the leader of the Liberal Party. The Memorial is interesting not only for its reference to the sum of money deposited in Berlin but also for its description in general terms of the British responsibility towards the Armenian people. The main points in the Memorial are the following :

An aid must be granted for the ressettlement of the Armenian refugees, for the following reasons:

1 - Because the Armenians were encouraged by promises of freedom to support the Allied cause during the War, and suffered for this cause so tragically.

2 - Because during the War and since the Armistice statesmen of the Allies and Associated Powers have given repeated pledges to secure the liberation and independence of the Armenian nation.

3 - Because in part Great Britain is responsible for the final dispersion of the Ottoman Armenians after the sack of Smyrna in 1922; the war of the Greeks against the Turks, which resulted in the final destruction and expulsion of the Christian minorities in Asia Minor, was initiated and protracted under the direct encouragement of the British Government.

4 - Because the sum of £5,000,000 (Turkish gold) deposited by the Turkish Government at the Reichsbank in Berlin in 1916, and taken over by the Allies after the Armistice, was in large part (perhaps wholly) Armenian money. After the forced deportation of the Armenians in 1915, their current and deposit accounts were transferred, by Government order, to the State Treasury in Constantinople.

5 - Because the present conditions of the refugees are unstable and demoralizing, and constitute a reproach to Western Powers.

The Memorial ended with the words:

We desire to express our view that, as some compensation for unfulfilled pledges is morally due to the Armenians, the British Government should forthwith make an important grant...[43].

It is submitted that, under international law, there was a duty to return to the Armenian people all sums of money or property that come under the control of the Allies and which could be traced back to Armenian ownership.

F - Responsibility Under the Resolutions of the League of Nations

The General Assembly of the League of Nations, adopted unanimously the following resolution, on September 21, 1921:

(43) Mandelstam, op. cit., pp. 489 - 493.

Whereas the first Assembly, on November 18, 1920, entrusted to the Council the task of safeguarding the future of Armenia; and

Whereas the Council, on February 25, 1921, realizing the impossibility of taking any affirmative action to meet the situation in Asia `minor requested the Secretariat to follow the course of events in Armenia, so as to enable the Council to take ultimately new decisions; and

Whereas in the meantime, the Supreme Council (Allied) in view of the probable revision of the Sèvres Treaty, has proposed the creation of a National Home for the Armenians; and

Whereas there exists an imminent possibility of a Treaty of peace being made between the Allied Powers and Turkey;

Therefore be it.

Resolved that the Assembly invites the Council at once, to press upon the Supreme Council (Allied) the necessity of making provisions in the Treaty, safeguarding the future of Armenia, and further, insuring for the Armenians a National Home, wholly independent of Turkish rule[44].

On September 18, 1922 only a few weeks before the Lausanne Conference, the General Assembly of the League of Nations unanimously adopted the following resolution:

The Assembly takes notice of the resolutions of the Council pertaining to Armenia and expresses the desire that in the negotiations of a peace treaty with Turkey, one should not lose sight of the need to establish a National Home for the Armenians. The Assembly calls upon the Council to take all measures it deems useful to that effect[45].

The first Resolution is addressed to the Supreme Council of the Allies; the second is addressed to the Council of the League of Nations where the members of the Supreme Council were represented and had dominant position.

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(44) Dikran Boyadjian, Armenia, the Case for a Forgotten Genocide pp. 256 - 7.
(45) Ibid. p. 257.

Both Resolutions were ignored by the Powers at the Lausanne Conference.

These Powers also committed a breach of article 22 of the Covenant of the League of Nations by refusing a mandate over Armenia to secure its protection and independent existence, an obligation which was placed upon their shoulders by the Convenant as a "sacred trust of civilisation". Sections 1 and 4 of article 22 are reproduced hereunder:

1 - To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Convenant.

2 - Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Article 22 further provided that the "best method of giving practical effect to this principle is that the tutelage of such people should be intrusted to advanced nations who, by reason of their resources, their experience or their geographical position, can best undertake this responsibility" (sec.2).

The victorious Allied Powers, the advanced nations of the world, failed to undertake their obligations forming part of the "sacred trust" under article 22, towards the Armenians. What is more, they even failed to protect them when they were once again exposed to the Turkish peril.

G - Responsibility for Failure to Prosecute and Punish the Authors of the Armenian Massacres

It has been shown, in analysing crimes against humanity in the light of the Nuremberg trials and the Genocide Convention, in Chapter 3, that both the Nuremberg Charter and the Convention were declaratory of existing customary rules of international law and that the commission of the acts, which are collectively known as the Armenian massacres, organized and executed by the Turkish authorities, constituted crimes against humanity under customary international law. By 1915, that is when the Armenian massacres began, the international community had developped certain rules pertaining to crimes against humanity - witness the various humanitarian interventions in the nineteenth century and the beginning of the twentieth century and witness the following declaration made by three European Powers at the time of the Armenian massacres, through a press release of the British Government of 23 May 1915:

His Majesty's Government, in common with the Governments of France and Russia, make the following public declaration:

For about the last month Kurds and the Turkish population of Armenia have been engaged in massacring Armenians with the connivance and often the help of the Ottoman Authorities. Such massacres took place about the Middle of April, at Erzeroum, Dertchan, Egin, Bitlis, Sassoun, Moush, Zeitun and in all Cilicia.

Inhabitants of about 100 villages near Van were all assassinated. In the town itself the Armenians' quarter is besieged by Kurds. At the same time the Ottoman Government at Constantinople is raging against the inoffensive Armenian population.

In face of these fresh crimes committed by Turkey the Allied Governments announce publicly to the Sublime Porte that they will hold all the members of the Ottoman Government, as well as such of their agents as are implicated, personally responsible for such massacres"[46].

(46) F0371 / 2488.

A crime against humanity is, by definition, punishable by all States. An early example of this, in international law, is piracy. The duty to punish the Turkish officials who had participated in the organizations and the commission of crimes against humanity was even greater in the case of the Allied Powers who had won the war and were in physical control of Turkey and the criminals. Moreover, the above declaration on the part of Great Britain, France and Russia was a further indertaking by these Powers to "hold all the members of the Ottoman Government, as well as such of their agents... personally responsible for such massacres".

The only step after the war towards such punishment was the mock-trial by a Military Court organized in Istanbul by the new Turkish authorities, under Allied pressure. But, in effect, the Allied Powers not only failed in their duty to punish those responsible, but guarded them against such punishment. The so-called British arrest of 102 of the leading Turkish officials who had taken part in the Armenian massacres and their imprisonment in Malta was an effective protection of these criminals against the hand of justice.

H - Soviet Ambivalent Attitudes and Resulting Responsibility

The Bolshevik Revolution of 1917 came forward with ideas of self-determination and peace without annexations. Lenin had already written extensively on the right of nations to self-determination[47]. His views on self-determination came finally to be expressed in the famous Decree on Peace of October 26 (November 8) 1917. The Decree states:

> The workers' and peasants' government... calls upon all the belligerent peoples and their governments to start immediate negociations for a just, democratic peace.

[47] Selected Works Vol. 1 (1960) pp. 631-684.

By a just or democratic peace, ... the government means an immediate peace without annexations (i.e. without the seizure of foreign lands, without the forcible incorporation of foreign nations)...

In accordance with the sense of justice of democrats in general, and of the working people in particular, the government conceives the annexation or seizure of foreign lands to mean every incorporation of a small or weak nation into a large or powerful state without the precisely, clearly and voluntarily expressed consent and wish of that nation, irrespective also of the degree of development or backwardness of the nation forcibly annexed to the given state, or forcibly retained within its borders, and irrespective, finally, of whether this nation is in Europe or in distant, overseas countries.

If any nation whatsoever is forcibly retained within the borders of a given state, if, in spite of its expressed desire - no matter whether expressed in the press, at public meetings, in the decisions of parties, or in protests and uprisings against national oppression - it is not accorded the right to decide the forms of its state existence by a free vote, taken after the complete evacuation of the troops of the incorporating or, generally, of the stronger nation and without the least pressure being brought to bear, such incorporation is annexation, i.e. seizure and violence[48].

In the meantime, the Second Congress of all Soviets had proclaimed the right of self-determination of all nations living within Russia.

On November 3, 1917, the Soviet of the Commissars of the People, in its "Declaration of the Rights of the People of Russia" adopted the following principles:

1 - Sovereign equality of the people of Russia.

2 - Right of self-determination, including the right to secede to form an independent State, for all the people of Russia.

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(48) Op. cit. Vol. II (1960) pp. 503 - 504.

3 - Removal of all restrictions on national or religious activities.

4 - Free development of all national minorities and ethnic groups within the Russian territory.

In an article Lenin published on September 16, 1917, on "Problems of the Revolution" he wrote:

"...the claims of the Ukrainians and the Finns must be satisfied immediately and complete freedom, even freedom to secede, must be ensured to them as much as to all the different races in Russia. The same principle must be adopted towards *entire Armenia*".

The decree "About Turkish Armenia" of December 29, 1917 (January 11, 1918) expressed the above principles. It based self-determination on the following conditions:

1 - The withdrawal of the troops from the boundaries of Turkish Armenia and the immediate formation of an Armenian militia to secure the safety of person and property of the inhabitants of Turkish Armenia.

2 - Unhindered return to Turkish Armenia of refugee Armenians as well as expatriate Armenians scattered in various countries.

3 - Unhindered return to the bounds of Turkish Armenia of Armenians forecibly exiled into the interior of Turkey during the war by Turkish authorities, on which the Sovnarkom will insist at the peace negotiations with Turkish officials.

4 - Creation of a Temporary People's Administration of Turkish Armenia in the form of a Soviet of Deputies of the Armenian people, elected by democratic procedures.

Extraordinary Temporary Commissar for Caucasian Affairs, Stepan Shahumian, is entrusted to cooperate in every way with the population of Turkish Armenia in the task of realizing points 2 and 3, as well as to embark

upon creation of a mixed commission for the establishment of a deadline and the method of withdrawal of troops from the bounds of Turkish Armenia.

The decree was confirmed in late January:

The Third Congress of Soviets welcomes the policy of the Council of People's Commissars, which has proclaimed the absolute independence of Finland, has commenced the withdrawal of troops from Persia, and has given Armenia the right to self-determination[(49)].

Of course, the decree had nothing to say about selfdetermination of Armenians in Russian Armenia.

The decree about "Turkish Armenia", signed by Lenin and Stalin, was at best a declaration of principles, but as a course of action its benefits were nullified by the first point in the decree, that is the withdrawal of Russian troops from Turkish Armenia. It was obvious that with the evacuation of the Russian armies from Turkish Armenia, the Armenians would not be in a position to resist the invasion to the Ottoman armies. In discussing the decree, war correspondent Henry Barby asked, "Was it the naïveté, ignorance or cynicism of Lenin and the Commissar for Nationalities?[(50)]. Purged Soviet historian Borian, writing about the decree, states:

Consequently, it was necessary to abandon tsarist Russia's policy towards Turkey, Persia, and Afghanistan and to prove the logical nature of Soviet policy by demonstrating that it actually does not pursue imperialistic aims. The withdrawal of Soviet troops from Persia and Turkish Armenia served as the proof of this. The Armenian Question thus became the means and not the end[(51)].

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(49) US, FRUS (1918) Russia I 558.
(50) Le débacle russe: Les extravagances bolchéviques et l'épopée arménienne (1919) p. 30.
(51) Armeniia, mezhdunarodnaia diplomatiia i SSSR., II (1929) p. 262.

On March 3, 1918, Soviet Russia signed the Treaty of Brest-Litovsk with Germany, Austro-Hungary, Bulgaria and the Ottoman Empire. Article IV included two important provisions regarding Armenia:

Russia will do all within her Power to insure the immediate evacuation of the provinces of Eastern Anatolia and their lawful return to Turkey.

The districts *(sanjaks)* of Ardahan, Kars, and Batum will likewise and without delay be cleared of Russian troops. Russia will not interfere in the reorganization of the national and international relations of these districts, but leave it to the population of these districts to carry out this reorganization in agreement with the neighbouring states, especially Turkey[52].

Furthermore, article 1, paragraph 5 of the additional separate Russo-Turkish convention provided:

The Russian Republic assumes the responsability to demobilize and dissolve the Armenian bands, composed of Russian and Turkish subjects, which are found in Russia as well as in the occupied Turkish provinces, and will completely disperse these bands[53].

It is clearly seen from the above that Soviet Russia, after paying lip-service to the principle of self-determination of nations and issuing a decree "About Turkish Armenia" permitting the Armenians therein to exercise self-determination, signed the Treaty of Brest-Litovsk and accepted to withdraw not only from Turkish Armenia but also from certain provinces of Russian Armenia, thus leaving the Armenians undefended against the imminent Turkish occupation. What is more, under article 1 of the additional convention with the Ottoman Empire, Soviet Russia was undertaking to "demobilize and disperse the Armenian bands", thus making self-defence even more difficult for the Armenians and denying them in effect the right of self-determination.

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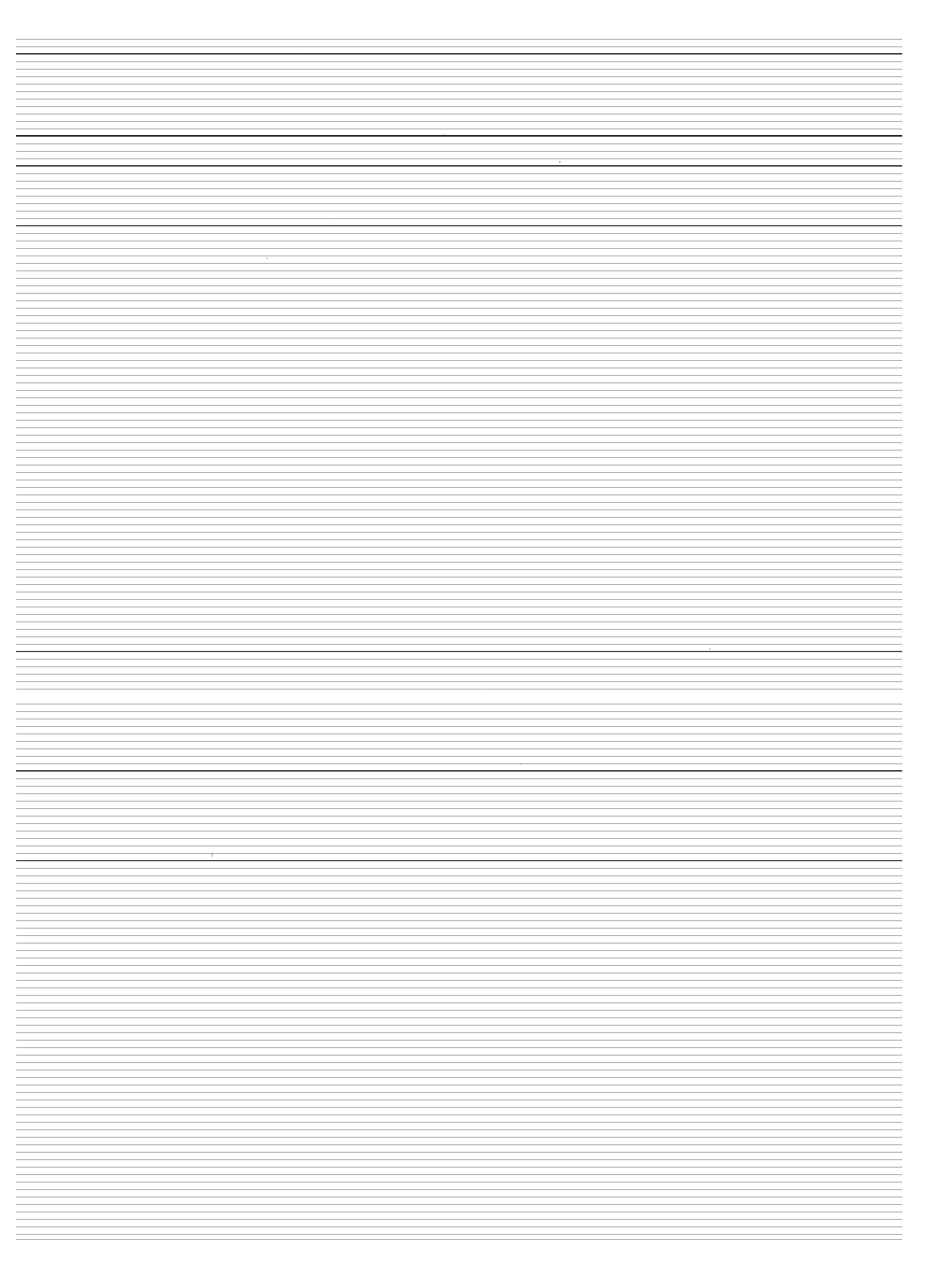
(52) Wheeler-Bennett, Brest-Litovsk; The Forgotten Peace, March 1918 (1938) pp. 405 - 6.
(53) US, FRUS< Russia I, p. 472.

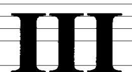
Moreover, the signature by Soviet Russia of the Treaty of Moscow of 16 March 1921 with Turkey, delimiting the North-Eastern border of Turkey in such a way as to include the whole of Turkish Armenia and large areas of Russian Armenia, was denial of the right of self-determination for Armenians, in complete opposition to the principles enunciated in the Decree of Peace and to the undertaking in the Decree "About Turkish Armenia".

Furhermore, the collaboration between Nationalist Turkey and Soviet Russia between the years 1918 and 1921 which was the most effective factor in the revival of Nationalist Turkish and the realization of its expansionist plans against Armenia(54) and the forcible communist take-over of the Transcaucasian Republics in the years 1920 and 1921, engineered by Soviet Russia, was a further denial of the principle of self-determination of nations so solemnly declared by Lenin and his followers.

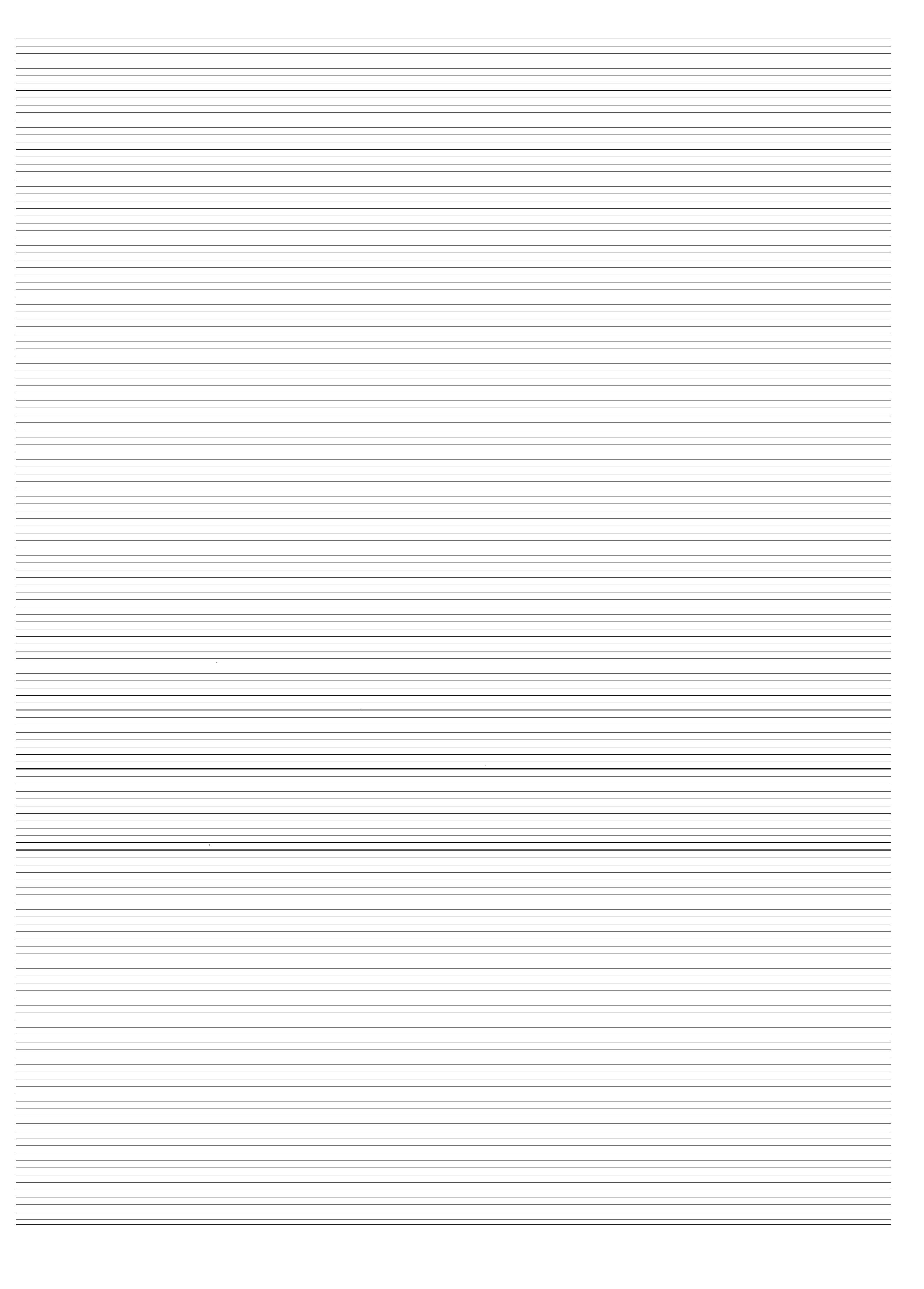
Finally, it must be mentioned that the present borders between Soviet Armenia and the neighbouring Soviet Republics make nonsense of the prinicple of nationality or the principle of self-determination, since large areas, with a predominant Armenian population, have been left outside the borders of Soviet Armenia.

(54) Richard Hovhannessian, Armenia and the Caucasus in the Genesis of the Soviet-Turkish Entente, International Journal of Middle Eastern Studies, Vol. 4 (1973) pp. 129 et seq.





Treaty of Sèvres



PART I.

THE COVENANT OF THE LEAGUE OF NATIONS*

The High Contracting Parties,

In order to promote international co-operation and to achieve international peace and security .

by the acceptance of obligations not to resort to war,

by the prescription of open, just and honourable relations between nations,

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and

by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,

Agree to this Covenant of the League of Nations.

ARTICLE 1

The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall

* Treaty of Peace with Turkey, Signed at Sèvres, August 10,1920 - London.

accept such regulations as may be prescribed by the League in regard to its military, naval, air forces, and armaments.

Any Member of the League may, after two years notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

ARTICLE 2

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

ARTICLE 3

The Assembly shall consist of Representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives.

ARTICLE 4

The Council shall consist of Representatives of the Principal Allied and Associated Powers, together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the

Assembly, Representatives of Belgium, Brazil, Spain and Greece shall be members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

ARTICLE 5

Except where otherwise expressly provided in the Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

All matters of procedure at meetings of the Assembly or of the Council, including the appointement of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

ARTICLE 6

The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required.

The first Secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly.

The secretaries and staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.

The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.

The expenses of the Secretariat shall be borne by the members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

ARTICLE 7

The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

ARTICLE 8

The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to war-like purposes.

ARTICLE 9

A permanent Commission shall be consituted to advise the Council on the execution of the provisions of Articles 1 and 8, and on military, naval and air questions generally.

ARTICLE 10

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

ARTICLE 11

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

ARTICLE 12

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to enquiry by the Council, and they agree in no case to resort

to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

ARTICLE 13

The Members of the League agree that whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

ARTICLE 14

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine

any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

ARTICLE 15

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the

dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other that the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and is found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

ARTICLE 16

Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have

committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the convenant-breaking State, and the prevention of all financial, commerical or personal intercourse between the nationals of the convenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the convenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures, aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

ARTICLE 17

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such

invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

ARTICLE 18

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

ARTICLE 19

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

ARTICLE 20

The Members of the League severally agree that this Covenant is

accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

ARTICLE 21

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

ARTICLE 22

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the

development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenence of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of Mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

ARTICLE 23

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

(a) will endeavour to secure and maintain fair and humane conditions of labour for men, women and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;

(b) undertake to secure just treatment of the native inhabitants of territories under their control;

(c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;

(d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;

(e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914 - 1918 shall be borne in mind;

(f) will endeavour to take steps in matters of international concern for the prevention and control of disease.

ARTICLE 24

There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

ARTICLE 25

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

ARTICLE 26

Amendments to this Covenant will take effect when ratified by the Members of the League whose representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

PART II.

FRONTIERS OF TURKEY

ARTICLE 27

I. In Europe, the frontiers of Turkey will be laid down as follows :

(1) The Black Sea :

from the entrance of the Bosphorus to the point described below.

(2) With Greece :

From a point to be chosen on the Black Sea near the mouth of the Biyuk Dere, situated about 7 kilometres northwest of Podima, southwestwards to the most northwesterly point of the limit of the basin of the Istranja Dere (about 8 kilometres northwest of Istranja),

a line to be fixed on the ground passing through Kapilja Dagh and Uchbunar Tepe;

thence southsoutheastwards to a point to be chosen on the railway from Chorlu to Chatalja about 1 kilometre west of the railway station of Sinekli,

a line following as far as possible the western limit of the basin of the Istranja Dere;

thence southeastwards to a point to be chosen between Fener and Kurfali on the watershed between the basins of those rivers which flow into Biyuk Chekmeje Geul, on the northeast, and the basin of those rivers which flow direct into the Sea of Marmora on the southwest,

a line to be fixed on the ground passing south of Sinekli;

thence southeastwards to a point to be chosen on the Sea of Marmora about 1 kilometre southwest of Kalikratia,

a line follwing as far as possible this watershed.

(3) The Sea of Marmora :

From the point defined above to the entrance of the Bosphorus.

II. In Asia, the frontiers of Turkey will be laid down as follows :

(1) On the West and South :

From the entrance of the Bosphorus into the Sea of Marmora to a point described below, situated in the eastern Mediterranean Sea in the neighbourhood of the Gulf of Alexandretta near Karatash Burun,

the Sea of Marmora, the Dardanelles, and the Eastern Mediterranean Sea; the Islands of the Sea of Marmora, and those which are situated within a distance of 3 miles from the coast, remaining Turkish, subject to the provisions of Section IV and Articles 84 and 122, Part III (Political Clauses).

(2) With Syria :

From a point to be chosen on the eastern bank of the outlet of the Hassan Dede, about 3 kilometres northwest of Karatash Burun, northeastwards to a point to be chosen on the Djaihun Irmak about 1 kilometre north of Babeli,

a line to be fixed on the ground passing north of Karatash;

thence to Kesik Kale,

the course of the Djaihun Irmak upstream;

thence northeastwards to a point to be chosen on the Djaihun Irmak about 15 kilometres eastsoutheast of Karsbazar,

a line to be fixed on the ground passing north of Kara Tepe;

thence to the bend in the Djaihun Irmak situated west of Duldul Dagh,

the course of the Djaihun Irmak upstream;

thence in a general southeasterly direction to a point to be chosen on Emir Musi Dagh about 15 kilometres south-south-west of Giaour Geul,

a line to be fixed on the ground at a distance of about 18 kilometres from the railway, and leaving Duldul Dagh to Syria;

thence eastwards to a point to be chosen about 5 kilometres north of Urfa,

a generally straight line from west to east to be fixed on the ground passing north of the roads connecting the towns of Baghche, Aintab, Biridjik, and Urfa and leaving the last three named towns to Syria;

thence eastwards to the south-western extremity of the bend in the Tigris about 6 kilometres north of Azekh (27 kilometres west of Djezire-ibn-Omar),

a generally straight line from west to east to be fixed on the ground leaving the town of Mardin to Syria;

thence to a point to be chosen on the Tigris between the point of confluence of the Khabur Su with the Tigris and the bend in the Tigris situated about 10 kilometres north of this point,

the course of the Tigris downstream, leaving the island on which is situated the town of Djezire-ibn-Omar to Syria.

(3) With Mesopotamia :

Thence in a general easterly direction to a point to be chosen on the northern boundary of the vilayet of Mosul,

a line to be fixed on the ground;

thence eastwards to the point where it meets the frontier between Turkey and Persia,

the northern boundary of the valayet of Mosul, modified, however, so as to pass south of Amadia.

(4) On the East and the North East :

From the point above defined to the Black Sea, the existing frontier between Turkey and Persia, then the former frontier between Turkey and Russia, subject to the provisions of Article 89.

(5) The Black Sea :

ARTICLE 28

The frontiers described by the present Treaty are traced on the one in a million maps attached to the present Treaty. In case of differences between the text and the map, the text will prevail.

ARTICLE 29

Boundary Commissions, whose composition is or will be fixed in the present Treaty or in Treaties supplementary thereto, will have to trace these frontiers on the ground.

They shall have the power, not only of fixing those portions which are defined as "a line to be fixed on the ground," but also, if the Commission considers it necessary, of revising in matters of detail portions defined by administrative boundaries or otherwise. They shall endeavour in all cases to follow as nearly as possible the descriptions given in the Treaties, taking into account, as far as possible, administrative boundaries and local economic interests.

The decisions of the Commissions will be taken by a majority, and shall be binding on the parties concerned.

The expenses of the Boundary Commissions will be borne in equal shares by the parties concerned.

ARTICLE 30

In so far as frontiers defined by a waterway are concerned, the phrases "course" or "channel" used in the descriptions of the present Treaty signify, as regards nonnavigable rivers, the median line of the waterway or of its principal branch, and, as regards navigable rivers, the median line of the principal channel of navigation. It will rest with the Boundary Commissions provided for by the present Treaty to specify whether the frontier line shall

follow any changes of the course or channel which may take place, or whether it shall be definitely fixed by the position of the course or channel at the time when the present Treaty comes into force.

In the absence of provisions to the contrary in the present Treaty, islands and islets lying within three miles of the coast are included within the frontier of the coastal State.

ARTICLE 31

The various States concerned undertake to furnish to the Commissions all documents necessary for their tasks, especially authentic copies of agreements fixing existing or old frontiers, all large scale maps in existence, geodetic data, surveys completed but unpublished, and information concerning the changes of frontier watercourses. The maps, geodetic data, and surveys, even if unpublished, which are in the possession of the Turkish authorities must be delivered at Constantinople, within thirty days from the coming into force of the present Treaty, to such representative of the Commissions concerned as may be appointed by the principal Allied Powers.

The States concerned also undertake to instruct the local authorities to communicate to the Commissions all documents, especially plans, cadastral and land books, and to furnish on demand all details regarding property, existing economic conditions, and other necessary information.

ARTICLE 32

The various States interested undertake to give every assistance to the Boundary Commissions, whether directly or through local authorities, in everything that concerns transport, accommodation, labour, materials (sign posts, boundary pillars) necessary for the accomplishment of their mission.

In particular the Turkish Government undertakes to furnish to the Principal Allied Powers such technical personnel as they may consider

necessary to assist the Boundary Commissions in the accomplishment of their mission.

ARTICLE 33

The various States interested undertake to safeguard the trigonometrical points, signals, posts or frontier marks erected by the Commissions.

ARTICLE 34

The pillars will be placed so as to be intervisible; they will be numbered, and their position and their number will be noted on a cartographic document.

ARTICLE 35

The protocols defining the boundary and the maps and documents attached thereto will be made out in triplicate, of which two copies will be forwarded to the Governments of the limitrophe States, and the third to the Government of the French Republic, which will deliver authentic copies to the Powers who sign the present Treaty.

SECTION III

KURDISTAN

ARTICLE 62

A Commission sitting at Constantinople and composed of three members appointed by the British, French and Italian Governments respectively shall draft within six months from the coming into force of the present Treaty a scheme of local autonomy for the predominantly Kurdish areas lying east of the Euphrates, south of the southern boundary of Armenia as it may be hereafter determined, and north of the frontier of Turkey with Syria and Mesopotamia, as defined in Article 27, II. (2) and (3). If unanimity cannot be secured on any question, it will be referred by the members of the Commission to their respective Governments. The scheme shall contain full safeguards for the protection of the Assyro-Chaldeans and other racial or religious minorities within these areas, and with this object a Commission composed of British, French, Italian, Persian and Kurdish representatives shall visit the spot to examine and decide what rectifications, if any, should be made in the Turkish frontier where, under the provisions of the present Treaty, that frontier coincides with that of Persia.

ARTICLE 63

The Turkish Government hereby agrees to accept and execute the decisions of both the Commissions mentioned in Article 62 within three months from their communication to the said Government.

ARTICLE 64

If within one year from the coming into force of the present Treaty the Kurdish peoples within the areas defined in Article 62 shall address themselves to the Council of the League of Nations in such a manner as to

show that a majority of the population of these areas desires independence from Turkey, and if the Council then considers that these peoples are capable of such independence and recommends that it should be granted to them, Turkey hereby agrees to execute such a recommendation, and to renounce all rights and title over these areas.

The detailed provisions for such renunciation will form the subject of a separate agreement between the Principal Allied Powers and Turkey.

If and when such renunciation takes place, no objection will be raised by the Principal Allied Powers to the voluntary adhesion to such an independent Kurdish State of the Kurds inhabiting that part of Kurdistan which has hitherto been included in the Mosul Vilayet.

ARMENIA

ARTICLE 88

Turkey, in accordance with the action already taken by the Allied Powers, hereby recognises Armenia as a free and independent State.

ARTICLE 89

Turkey and Armenia as well as the other High Contracting Parties agree to submit to the arbitration of the President of the United States of America the question of the frontier to be fixed between Turkey and Armenia in the Vilayets of Erzerum, Trebizond, Van and Bitlis, and to accept his decision thereupon, as well as any stipulations he may prescribe as to access for Armenia to the sea, and as to the demilitarisation of any portion of Turkish territory adjacent to the said frontier.

ARTICLE 90

In the event of the determination of the frontier under Article 89 involving the transfer of the whole or any part of the territory of the said

Vilayets to Armenia, Turkey hereby renounces as from the date of such decision all rights and title over the territory so transferred. The provisions of the present Treaty applicable to territory detached from Turkey shall thereupon become applicable to the said territory.

The proportion and nature of the financial obligations of Turkey which Armenia will have to assume, or of the rights which will pass to her, on account of the transfer of the said territory will be determined in accordance with Articles 241 to 244, Part VIII (Financial Clauses) of the present Treaty.

Subsequent agreements will, if necessary, decide all questions which are not decided by the present Treaty and which may arise in consequence of the transfer of the said territory.

ARTICLE 91

In the event of any portion of the territory referred to in Article 89 being transferred to Armenia, a Boundary Commission, whose composition will be determined subsequently, will be constituted wihin three months from the delivery of the decision referred to in the said Article to trace on the spot the frontier between Armenia and Turkey as established by such decision.

ARTICLE 92

The frontiers between Armenia and Azerbaijan and Georgia respectively will be determined by direct agreement between the States concerned.

If in either case the States concerned have failed to determine the frontier by agreement at the date of the decision referred to in Article 89, the frontier line in question will be determined by the Principal Allied Powers, who will also provide for its being traced on the spot.

ARTICLE 93

Armenia accepts and agrees to embody in a Treaty with the Principal Allied Powers such provisions as may be deemed necessary by these

Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language, or religion.

Armenia further accepts and agrees to embody in a Treaty with the Principal Allied Powers such provisions as these Powers may deem necessary to protect freedom of transit and equitable treatment for the commerce of other nations.

SECTION VII

SYRIA, MESOPOTAMIA, PALESTINE

ARTICLE 94

The High Contracting Parties agree that Syria and Mesopotamia shall, in accordance with the fourth paragraph of Article 22, Part I (Covenant of the League of Nations), be provisionally recognised as independent States subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone.

A Commission shall be constituted within fifteen days from the coming into force of the present Treaty to trace on the spot the frontier line described in Article 27, II (2) and (3). This Commission will be composed of three members nominated by France, Great Britain and Italy respectively, and one member nominated by Turkey; it will be assisted by a representative of Syria for the Syrian frontier, and by a representative of Mesopotamia for the Mesopotamian frontier.

The determination of the other frontiers of the said States, and the selection of the Mandatories, will be made by the Principal Allied Powers.

ARTICLE 95

The High Contracting Parties agree to entrust, by application of the

provisions of Article 22, the administration of Palestine, within such boundaries as may be determined by the Principal Allied Powers, to a Mandatory to be selected by the said Powers. The Mandatory will be responsible for putting into effect the declaration originally made on November 2, 1917, by the British Government, and adopted by the other Allied Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.

The Mandatory undertakes to appoint as soon as possible a special Commission to study and regulate all questions and claims relating to the different religious communities. In the composition of this Commission the religious interests concerned will be taken into account. The Chairman of the Commission will be appointed by the Council of the League of Nations.

ARTICLE 96

The terms of the mandates in respect of the above territories will be formulated by the Principal Allied Powers and submitted to the Council of the League of Nations for approval.

ARTICLE 97

Turkey hereby undertakes, in accordance with the provisions of Article 132, to accept any decisions which may be taken in relation to the questions dealt with in this Section.

SECTION IX

EGYPT, SOUDAN, CYPRUS

1 - EGYPT

ARTICLE 101

Turkey renounces all rights and title in or over Egypt. This renunciation shall take effect as from November 5, 1914. Turkey declares that in conformity with the action taken by the Allied Powers she recognises the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914.

ARTICLE 102

Turkish subjects habitually resident in Egypt on December 18, 1914, will acquire Egyptian nationality *ipso facto* and will lose their Turkish nationality, except that if at that date such persons were temporarily absent from, and have not since returned to, Egypt they will not acquire Egyptian nationality without a special authorisation from the Egyptian Government.

ARTICLE 103

Turkish subjects who became resident in Egypt after December 18, 1914, and are habitually resident there at the date of the coming into force of the present Treaty may, subject to the conditions prescribed in Article 105 for the right of option, claim Egyptian nationality, but such claim may in individual cases be refused by the competent Egyptian authority.

ARTICLE 104

For all purposes connected with the present Treaty, Egypt and Egyptian nationals, their goods and vessels, shall be treated on the same footing, as from August 1, 1914, as the Allied Powers, their nationals, goods and

vessels, and provisions in respect of territory under Turkish sovereignty, or of territory detached from Turkey in accordance with the present Treaty, shall not apply to Egypt.

ARTICLE 105

Within a period of one year after the coming into force of the present Treaty persons over eighteen years of age acquiring Egyptian nationality under the provisions of Article 102 will be entitled to opt for Turkish nationality. In case such persons, or those who under Article 103 are entitled to claim Egyptian nationality, differ in race from the majority of the population of Egypt, they will within the same period be entitled to opt for the nationality of any State in favour of which territory is detached from Turkey, if the majority of the population of that State is of the same race as the person exercising the right to opt.

Option by a husband covers a wife and option by parents covers their children under eighteen years of age.

Persons who have exercised the above right to opt must, except where authorised to continue to reside in Egypt, transfer within the ensuing twelve months their place of residence to the State for which they have opted. They will be entitled to retain their immovable property in Egypt, and may carry with them their movable property of every description. No export or import duties or charges may be imposed upon them in connection with the removal of such property.

ARTICLE 106

The Egyptian Government shall have complete liberty of action in regulating the status of Turkish subjects in Egypt and the conditions under which they may establish themselves in the territory.

ARTICLE 107

Egyptian nationals shall be entitled, when abroad, to British diplomatic and consular protection.

ARTICLE 108

Egyptian goods entering Turkey shall enjoy the treatment accorded to British goods.

ARTICLE 109

Turkey renounces in favour of Great Britain the powers conferred upon His Imperial Majesty the Sultan by the Convention signed at Constantinople on October 29, 1888, relating to the free navigation of the Suez Canal.

ARTICLE 110

All property and possessions in Egypt belonging to the Turkish Government pass to the Egyptian Government without payment.

ARTICLE 111

All movable and immovable property in Egypt belonging to Turkish nationals (who do not acquire Egyptian nationality) shall be dealt with in accordance with the provisions of Part IX (Economie Clauses) of the present Treaty.

ARTICLE 112

Turkey renounces all claim to the tribute formerly paid by Egypt.

Great Britain undertakes to relieve Turkey of all liability in respect of the Turkish loans secured on the Egyptian tribute.

These loans are:

The guaranteed loan of 1855;

The loan of 1894 representing the converted loans of 1854 and 1871;

The loan of 1891 representing the converted loan of 1877.

The sums which the Khedives of Egypt have from time to time undertaken to pay over to the houses by which these loans were issued will be applied as heretofore to the interest and the sinking funds of the loans of 1894 and 1891 until the final extinction of those loans. The Government of Egypt will also continue to apply the sum hitherto paid towards the interest on the guaranteed loan of 1855.

Upon the extinction of these loans of 1894, 1891 and 1855, all liability on the part of the Egyptian Government arising out of the tribute formerly paid by Egypt to Turkey will cease.

2 - SOUDAN

ARTICLE 113

The High Contracting Parties declare and place on record that they have taken note of the Convention between the British Government and the Egyptian Government defining the status and regulating the administration of the Soudan, signed on January 19, 1899, as amended by the supplementary Convention relating to the town of Suakin signed on July 10, 1899.

ARTICLE 114

Soudanese shall be entitled when in foreign countries to British diplomatic and consular protection.

3 - CYPRUS

ARTICLE 115

The High Contracting Parties recognise the annexation of Cyprus proclaimed by the British Government on November 5, 1914.

ARTICLE 116

Turkey renounces all rights and title over or relating to Cyprus, including the right to the tribute formerly paid by that island to the Sultan.

ARTICLE 117

Turkey nationals born or habitually resident in Cyprus will acquire British nationality and lose their Turkish nationality, subject to the conditions laid down in the local law.

PROTECTION OF MINORITIES

ARTICLE 140

Turkey undertakes that the stipulations contained in Articles 141, 145 and 147 shall be recognised as fundamental laws, and that no civil or military law or regulation, no Imperial Iradeh nor official action shall conflict or interfere with these stipulations; nor shall any law, regulation, Imperial Iradeh nor official action prevail over them.

ARTICLE 141

Turkey undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion.

All inhabitants of Turkey shall be entitled to the free exercise, whether public or private, of any creed, religion or belief.

The penalties for any interference with the free exercise of the right referred to in the preceding paragraph shall be the same whatever may be the creed concerned.

ARTICLE 142

Whereas, in view of the terrorist régime which has existed in Turkey since November 1, 1914, conversions to Islam could not take place under normal conditions, no conversions since that date are recognised and all persons who were non-Moslems before November 1, 1914, will be considered as still remaining such, unless, after regaining their liberty, they, voluntarily perform the necessary formalities for embracing the Islamic faith.

In order to repair so far as possible the wrongs inflicted on individuals in the course of the massacres perpetrated in Turkey during the war, the Turkish Government undertakes to afford all the assistance in its power or in that of the Turkish authorities in the search for and deliverance of all persons, of whatever race or religion, who have disappeared been carried off, interned or placed in captivity since November 1, 1914.

The Turkish Government undertakes to facilitate the operations of mixed commissions appointed by the Council of the League of Nations to receive the complaints of the victims themselves, their families or their relations, to make the necessary enquiries, and to order the liberation of the persons in question.

The Turkish Government undertakes to ensure the execution of the decisions of these commissions, and to assure the security and the liberty of the persons thus restored to the full enjoyment of their rights.

ARTICLE 143

Turkey undertakes to recognise such provisions as the Allied Powers may consider opportune with respect to the reciprocal and voluntary emigration of persons belonging to racial minorities.

Turkey renounces any right to avail herself of the provisions of Article 16 of the Convention between Greece and Bulgaria relating to reciprocal

emigration, signed at Neuilly-sur-Seine on November 27, 1919. Within six months from the coming into force of the present Treaty, Greece and Turkey will enter into a special arrangement relating to the reciprocal and voluntary emigration of the populations of Turkish and Greek race in the territories transferred to Greece and remaining Turkish respectively.

In case agreement cannot be reached as to such arrangement, Greece and Turkey will be entitled to apply to the Council of the League of Nations, which will fix the terms of such arrangement.

ARTICLE 144

The Turkish Government recognises the injustice of the law of 1915 relating to Abandoned Properties (Emval-i-Metroukeh), and of the supplementary provisions thereof, and declares them to be null and void, in the past as in the future.

The Turkish Government solemnly undertakes to facilitate to the greatest possible extent the return to their homes and re-establishment in their businesses of the Turkish subjects of non-Turkish race who have been forcibly driven from their homes by fear of massacre or any other form of pressure since January 1, 1914. It recognises that any immovable or movable property of the said Turkish subjects or of the communities to which they belong, which can be recovered, must be restored to them as soon as possible, in whatever hands it may be found. Such property shall be restored free of all charges or servitudes with which it may have been burdened and without compensation of any kind to the present owners or occupiers, subject to any action which they may be able to bring against the persons from whom they derived title.

The Turkish Government agrees that arbitral commissions shall be appointed by the Council of the League of Nations wherever found necessary. These commissions shall each be composed of one representative

of the Turkish Government, one representative of the community which claims that it or one of its members has been injured, and a chairman appointed by the Council of the League of Nations. These arbitral commissions shall hear all claims covered by this Article and decide them by summary procedure.

The arbitral commissions will have power to order :

(1) the provision by the Turkish Government of labour for any work of reconstruction or restoration deemed necessary. This labour shall be recruited from the races inhabiting the territory where the arbitral commission considers the execution of the said works to be necessary;

(2) the removal of any person who, after enquiry, shall be recognised as having taken an active part in massacres or deportations or as having provoked them; the measures to be taken with regard to such person's possessions will be indicated by the commission;

(3) the disposal of property belonging to members of a community who have died or disappeared since January 1, 1914, without leaving heirs; such property may be handed over to the community instead of to the State;

(4) cancellation of all acts of sale or any acts creating rights over immovable property concluded after January 1, 1914. The indemnification of the holders will be a charge upon the Turkish Government, but must not serve as a pretext for delaying the restitution. The arbitral commission will however have the power to impose equitable arrangements between the interested parties, if any sum has been paid by the present holder of such property.

The Turkish Government undertakes to facilitate in the fullest possible measure the work of the commissions and to ensure the execution of their decisions, which will be final. No decision of the Turkish judicial or administrative authorities shall prevail over such decisions.

ARTICLE 145

All Turkish nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Difference of religion, creed or confession shall not prejudice any Turkish national in matters relating to enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

Within a period of two years from the coming into force of the present Treaty the Turkish Government will submit to the Allied Powers a scheme for the organisation of an electoral system based on the principle of proportional representation of racial minorities.

No restriction shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press or in publications of any kind, or at public meetings. Adequate facilities shall be given to Turkish nationals of non-Turkish speech for the use of their language, either orally or in writing, before the courts.

ARTICLE 146

The Turkish Government undertakes to recognize the validity of diplomas granted by recognised foreign universities and schools, and to admit the holders thereof to the free exercise of the professions and industries for which such diplomas quality.

This provision will apply equally to nationals of Allied Powers who are resident in Turkey.

ARTICLE 147

Turkish nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as other

Turkish nationals. In particular they shall have an equal right to establish, manage and control at their own expense, and independently of and without interference by the Turkish authorities, any charitable, religious and social institutions, schools for primary, secondary, and higher instruction and other educational establishments, with the right to use their own language and to exercise their own religion freely therein.

ARTICLE 148

In towns and districts where there is a considerable proportion of Turkish nationals belonging to racial, linguistic or religious minorities. These minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational or charitable purposes.

The sums in question shall be paid to the qualified representatives of the communities concerned.

ARTICLE 149

The Turkish Government undertakes to recognise and respect the ecclesiastical and scholastic autonomy of all racial minorities in Turkey. For this purpose, and subject to any provisions to the contrary in the present Treaty, the Turkish Government confirms and will uphold in their entirety the prerogatives and immunities of an ecclesiastical, scholastic or judicial nature granted by the Sultans to non-Moslem races in virtue of special orders or imperial decrees (firmans, hattis, etc.) as well as by ministerial orders or orders of the Grand Vizier.

All laws, decrees, regulations and circulars issued by the Turkish Government and containing abrogations, restrictions or amendments of such prerogatives and immunities shall be considered to such extent null and void.

Any modification of the Turkish judical system which may be introduced

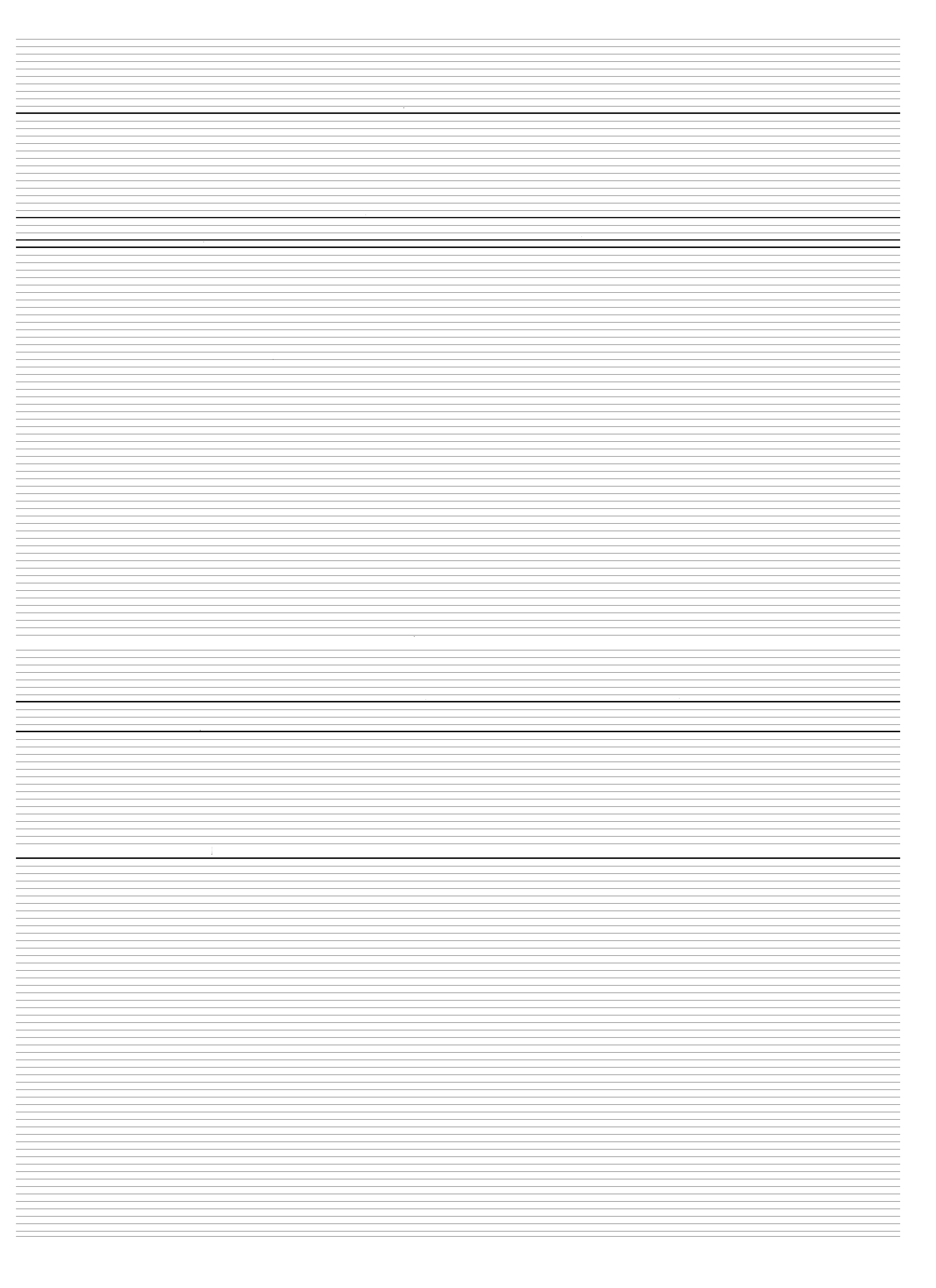
in accordance with the provisions of the present Treaty shall be held to override this Article, in so far as such modification may affect individuals belonging to racial minorities.

ARTICLE 150

In towns and districts where there is resident a considerable proportion of Turkish nationals of the Christian or Jewish religions, the Turkish Government undertakes that such Turkish nationals shall not be compelled to perform any act which constitutes a violation of their faith or religious observances, and shall not be placed under any disability by reason of their refusal to attend courts of law or to perform any legal business on their weekly day of rest. This provision, however, shall not exempt such Turkish nationals (Christians or Jews) from such obligations as shall be imposed upon all other Turkish nationals for the preservation of public order.

ARTICLE 151

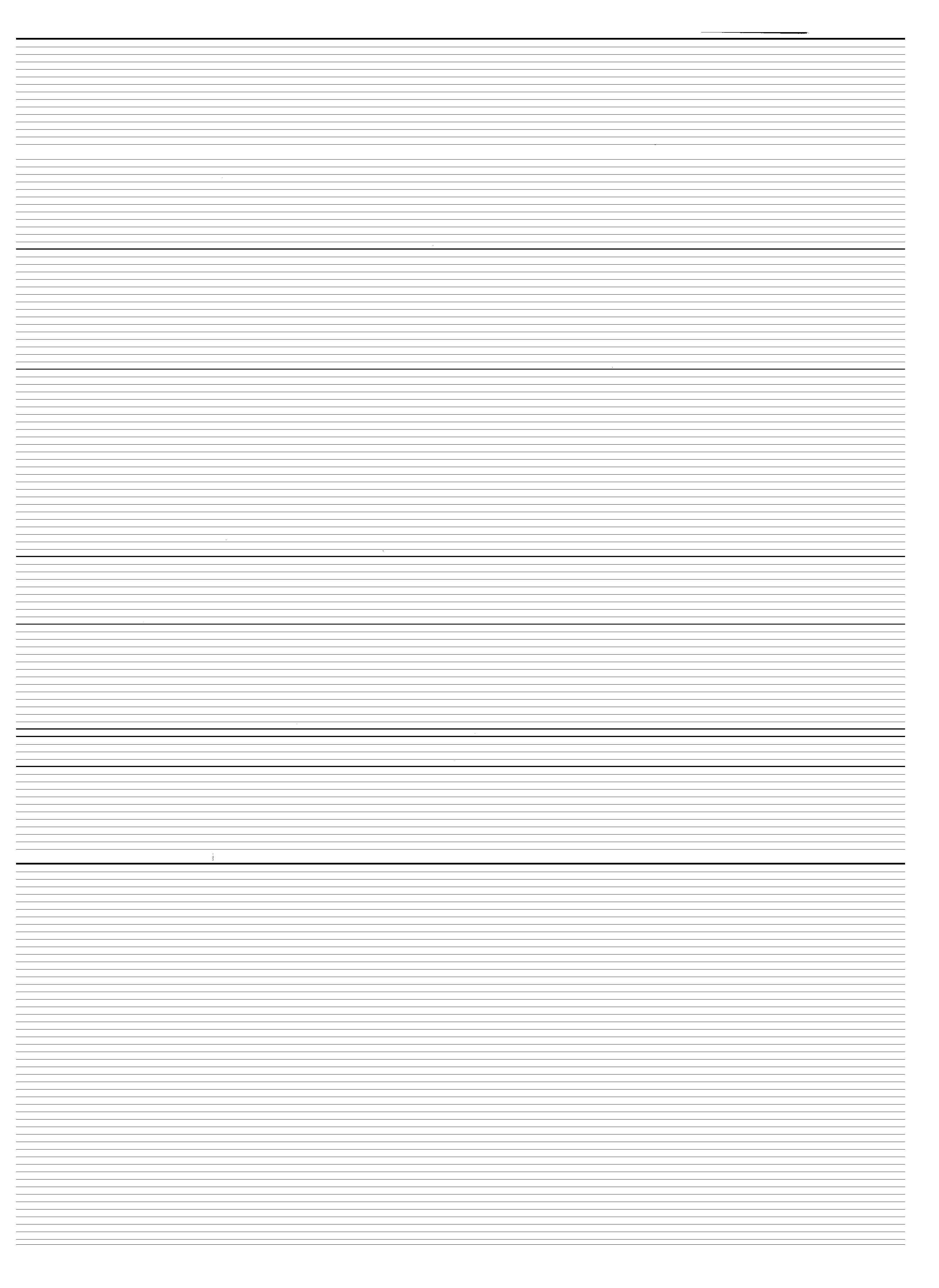
The Principal Allied Powers, in consultation with the Council of the League of Nations, will decide what measures are necessary to guarantee the execution of the provisions of this Part. The Turkish Government hereby accepts all decisions which may be taken on this subject.



IV

Treaty of Lausanne

July 24, 1923



PROTECTION OF MINORITIES

ARTICLE 37

Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognised as fundamental laws; and that no law, no regulation, nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them.

ARTICLE 38

The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion.

All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals.

Non-Moslem minorities will enjoy full freedom of movement and of emigration, subject to the measures applied, on the whole or on part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defence, or for the maintenance of public order.

ARTICLE 39

Turkish nationals belonging to non-Moslem minorities will enjoy the same civil and political rights as Moslems.

All the inhabitants of Turkey, without distinction of religion, shall be equal before the law.

Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions and industries.

No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings.

Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the Courts.

ARTICLE 40

Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

ARTICLE 41

As regards public instruction, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish Government from making the teaching of the Turkish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Moslem minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious, or charitable purposes.

The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.

ARTICLE 42

The Turkish Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law or personal status, measures permitting the settlement of these questions in accordance with the customs of those minorities.

These measures will be elaborated by special Commissions composed of representatives of the Turkish Government and of representatives of each of the minorities concerned in equal number. In case of divergence, the Turkish Government and the Council of the League of Nations will appoint in agreement an umpire chosen from amongst European lawyers.

The Turkish Government undertakes to grant full protection to the churches, synagogues, cemeteries, and other religious establishments of the above-mentioned minorities. All facilities and authorisation will be granted to the pious foundations, and to the religious and charitable institutions of the said minorities at present existing in Turkey, and the Turkish Government will not refuse, for the formation of new religious and charitable institutions, any of the necessary facilities which are guaranteed to other private institutions of that nature.

ARTICLE 43

Turkish nationals belonging to non-Moslem minorities shall not be compelled to perform any act which constitutes a violation of their faith or religious observance, and shall not be placed under any disability by reason of their refusal to attend Courts of Law or to perform any legal business on their weekly day of rest.

This provision, however, shall not exempt such Turkish nationals from such obligations as shall be imposed upon all other Turkish nationals for the preservation of public order.

ARTICLE 44

Turkey agrees that, in so far as the preceding Articles of this Section affect non-Moslem nationals of Turkey, these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of the majority of the Council of the League of Nations. The British Empire, France, Italy and Japan hereby agree not to withhold their assent to any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Turkey agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these obligations, and that the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances.

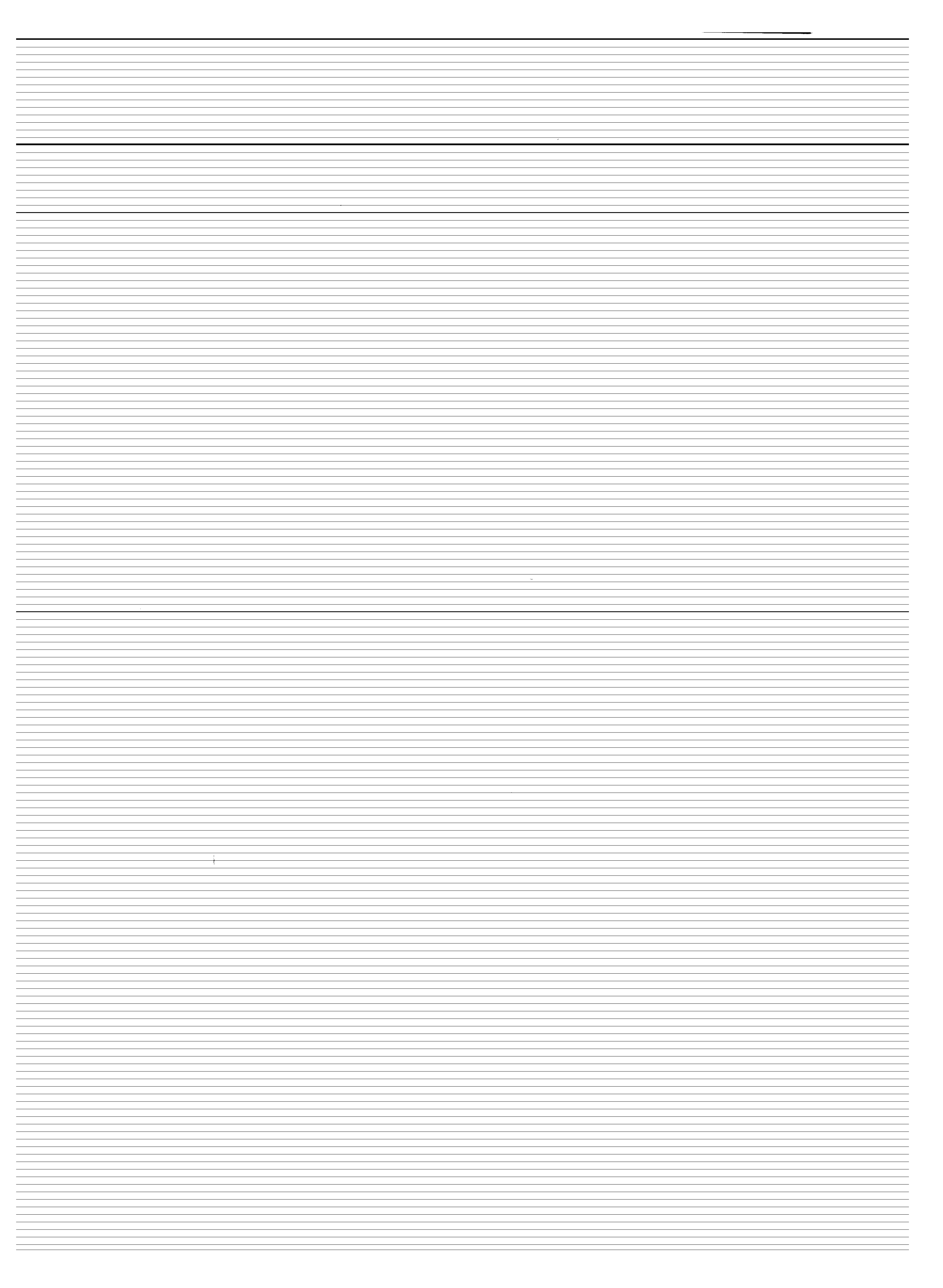
Turkey further agrees that any difference of opinion as to questions of law or of fact arising out of these Articles between the Turkish Government and any one of the other Signatory Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Turkish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

ARTICLE 45

The rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory.



The Armenian Genocide and the Convention of 1948



The Armenian Genocide and the Convention of 1948*

Although International Law is primarily a body of rules regulating conduct between States, it is common knowledge that in recent times the international community has shown an increasing interest in the protection of the individual against the arbitrary action of his State.

The traditional view has been that International Law shall concern itself with the protection of individuals only when such individuals are aliens and their home State is willing to espouse their claim, thus making it a dispute between States. However, even in ancient times certain acts were considered so dangerous by the international community that their punishment became an international concern. Thus, piracy has always been looked upon as a crime so odious that any member of the international community could lay its hands on a pirate and punish him, because piracy was considered a crime against humanity.

Again, the various Hague Conventions and the "humanitarian interventions" on the part of European States on the occasion of the various massacres in the Ottoman Empire during the nineteenth century, indicate a developping customary rule arising from State practice to the effect that certain wrongs committed by a State against its own nationals were so odious in nature that the international community looked upon them as crimes against humanity and made provisions to punish the State or the individuals responsible for such acts.

It was on the basis of this customary rule of International Law that the Allies issued a declaration during the First World War, when the Armenian massacres were being perpetrated by the Turks, to the effect that the Turkish

* Toriguian : op. cit., pp. 49 - 57.

government officials responsible for the planning and execution of the massacres shall be tried and punished for their acts, at the termination of the war.

The best evidence that customary International Law contains a rule defining genocide as a crime against humanity and making it punishable under international law, is the judgement of the Nuremberg Tribunal in 1946 in the case concerning the major German war criminals. In Article 6 (c) of the Charter of August 8, 1945, signed by the Allied Powers, as modified by the Protocol of October 6, 1945, crimes against humanity were defined as "murder, extermination, enslavement, deportation and other inhumane acts committed against any civilian population, on racial or religious grounds...". One of the main points in the German defence was that the Charter of 1945 was making new law by defining crimes against humanity and to apply this law to acts committed prior to 1945 was to give it a retroactive effect. To give a law a retoactive effect is a breach of a fundamental principle of natural justice. By way of a reply, the Tribunal stated:

The Charter is not an arbitrary exercise of power on the part of the victorious nations, but in the view of the Tribunal... it is the expression of international law existing at the time of the creation...

In other words, the Tribunal was stating that the Charter was declaratory of existing customary international law, that is, it was not making new law but was simply declaring the existing rules of customary international law.

Similarly, the General Assembly of the United Nations in its Resolution 95 (1) dated December 11, 1946, declared that "genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilised world".

The evidence given above is sufficient to conclude that before the Nuremberg Trials of 1946 and the Genocide Convention of 1948,

international law had recognised genocide as a crime condemned by the civilised world and punishable by international law.

The Turkish atrocities of 1915, planned and executed by the Turkish government with the sole purpose of exterminating a nation, and causing the death of a million and a half (the majority of Armenians living within the Ottoman Empire), is certainly a genocide under any definition of this word. Furthermore, this act of genocide committed by the Turkish authorities constituted a crime under international law since it has been shown that the definition of genocide as a crime against humanity, punishable under international law, is a long-established rule firmly incorporated into the body of international law.

Since the Second World War, the protection of human rights became increasingly the concern of international law. Thus, the Preamble of the Charter of the United Nations speaks of the determination of the peoples of the United nations "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small". It declares that one of the purposes of the United Nations is "to achieve international cooperation... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion" (Article 1). Under Article 13 of the Charter "the General Assembly shall initiate studies and make recommendations for the purpose of assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion". Article 55 speaks of the same respect and observance of human rights and fundamental freedoms with a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples. Under Article 56, all members of the United Nations pledge themselves to take joint and separate action in cooperation with the organization for the

achievement of these purposes. Furthermore, the Economic and Social Council is given the right, under Article 62, to "make recommendations for the purpose of promoting respect for, and observance of human rights and fundamental freedoms for all" .

The General Assembly of the United adopted at its 183rd meeting on December 10, 1948, a "Universal Declaration of Human Rights", of which the following articles are interesting to note:

Article 3: Everyone has the right to life, liberty and security of person.

Article 5: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 9: No one shall be subjected to arbitrary arrest, detention or exile.

Article 17 (2): No one shall be arbitrarily deprived of his property.

Although the Preamble to the above Declaration and the various speeches at the time of its adoption seem to indicate that the States did not intend to bind themselves legally, but simply to declare an ideal law for their guidance, yet this Declaration could be looked upon as a document completing the human rights provisions in the Charter which is obviously a legally binding treaty. Therefore, by way of incorporation the Declaration could be treated as part of the Charter, explaining and completing the various provisions in the Charter relating to the protection of human rights.

A further step forward towards the recognition of the individual as a subject of international law and towards the legal protection of his freedom is the European Convention on Human Rights signed in Rome in 1950, establishing a Commission and a Court with a cumpulsory jurisdiction to deal with breaches of human rights committed by the signatory States against their own nationals.

However, the most important step in connection with the crime of genocide is the adoption by the General Assembly of the United nations on

December 9, 1948, of a Convention on Genocide containing the following provisions:

The Contracting Parties, having considered the declaration made by the General Assembly of the United Nations in its Resolution 95 (1) dated December 11, 1946, that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilised world;

Recognising that in all periods of history genocide has inflicted great losses on humanity; and

Being convinced that, in order to liberate mankind from such an odious scourge, international cooperation is required;

Members agree as hereinafter provided :

Article 1 : The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article 2 : In the present Convention genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such;

A) Killing members of the group;

B) Causing serious bodily for mental harm to members of the group;

C) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

D) Imposing measures intended to prevent births within the group;

E) Forcibly transferring children of the group to another group;

Article 3: The following acts shall be punishable:

a) Genocide

b) Conspiracy to commit genocide

c) Direct and public incitement to commit genocide

d) Attempt to commit genocide.

Article 4 : Persons committing genocide or any of the other acts enumerated in Article 3 shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

The Genocide Convention of 1948 is directly relevant to the Armenian massacres of 1915, because these massacres constitute the crime of genocide *par excellence.* The Turkish authorities, in order to execute their plan of exterminating the Armenian nation with the purpose of solving the Armenian Question once for all and removing one of the great obstacles to achieve their grandiose panturanistic plan of uniting with the Turks of Caucasia and Central Asia, used means which surpass all imagination, including that of the drafters of the Genocide Convention.

There are innumerable crimes committed under each of the headings of Articles 2 and 3 and in this sense the Armenian Genocide at the hands of the Turkish Authorities constitutes probably the most complete act of genocide ever prepetrated in human history.

Objection may be raised that the Genocide Convention was adopted in 1948 and to apply it to the Armenian massacres of 1915 is to give it a retroactive effect. This objection cannot be sustained in the light of the following arguments:

1 - We have seen from the Preamble of the Genocide Convention and the Nuremberg Trials that genocide is a crime under customary international law and therefore the Genocide Convention of 1948 is simply declaring an existing rule of international law.

2 - Even if we do not admit the existance of such a customary rule, the Armenian genocide of 1915 falls under the 1948 Convention because of the fact that the genocide perpetrated by the Turkish Authorities in 1915 still continues to-day. The Armenians in the interior of present-day Turkey have

gradually lost or are in the process of losing their identity. Only recently it was reported in a Turkish paper that an Armenian village in the Sassoon region had accepted Islam and their church was converted into a mosque. Also, the Armenians in other countries, outside Soviet Armenia, are or will be in the course of time subjected to a general process of losing their cultural identity. Everytime an Armenian loses his identity, it is the genocide planned and started in 1915 that continues to bear its fruits. The Armenians living outside Armenia to-day did not leave their lands of their own free will and since the main objective of the Genocide Convention is to prevent the forcible extermination of a nation, then the gradual extermination of the Armenian nation which started in 1915 but which is in process to-day, is a breach of the provisions of the Genocide Convention.

It is a general principle of law that as long as a wrong continues and its effects continue to be felt, the date of inception of the act for the application of a subsequent law is irrelevant. If the wrong continues while the law is passed then it shall apply to this continuing wrong.

By the same reasoning, the provisions concerning the protection of human rights in the United Nations Charter, a document legally binding on the States and creating obligations for them, as well as the Universal Declaration of Human Rights which completes and explains the human rights provisions in the UN. Charter and therefore is an extension of the Charter, are equally applicable to the Armenian case.

It is therefore incumbent on all States which are members of the United Nations Organization or are signatories to the Genocide Convention of 1948 or have voted in favour of the Universal Declaration on Human Rights to fulfill their engagements by adopting all necessary measures to stop the continuing genocide of the Armenian nation by doing justice to the Armenian people and by asking Turkey to undo the wrong it committed in 1915 and has continued to commit since, by forcing the Armenians to lead a life outside their historic lands and thus be doomed to perdition.

Furthermore, it can now be safely asserted that in the light of the existing customary rules of international law, the Genocide Convention of 1948, the human rights provisions in the Charter of the United Nations and the Universal Declaration of Human Rights of 1948, the crime of genocide is a universally accepted crime, similar to piracy jure gentium, and therefore its punishment is part of the international public policy or public order *(jus cogens)*.

A further evidence that a genocide is punishable whenever committed and that the punishment of such a crime is part of international public policy is the fact that the United Nations General Assembly, by its Resolution and Convention of November 26, 1968, refused to apply the principle of limitation to crimes against humanity and decided on their imprescriptibility.

Although the original genocide was planned and executed by the Ottoman Empire, yet present-day Turkey, the heir and successor under international law to the Ottoman Empire, accquires all the rights and incurs all the obligations of the Empire. In an arbitration in 1952 concerning the apportionment of the Ottoman Debt, Arbitrator Borel stated that Turkey continued the personality of the former Ottoman Empire.

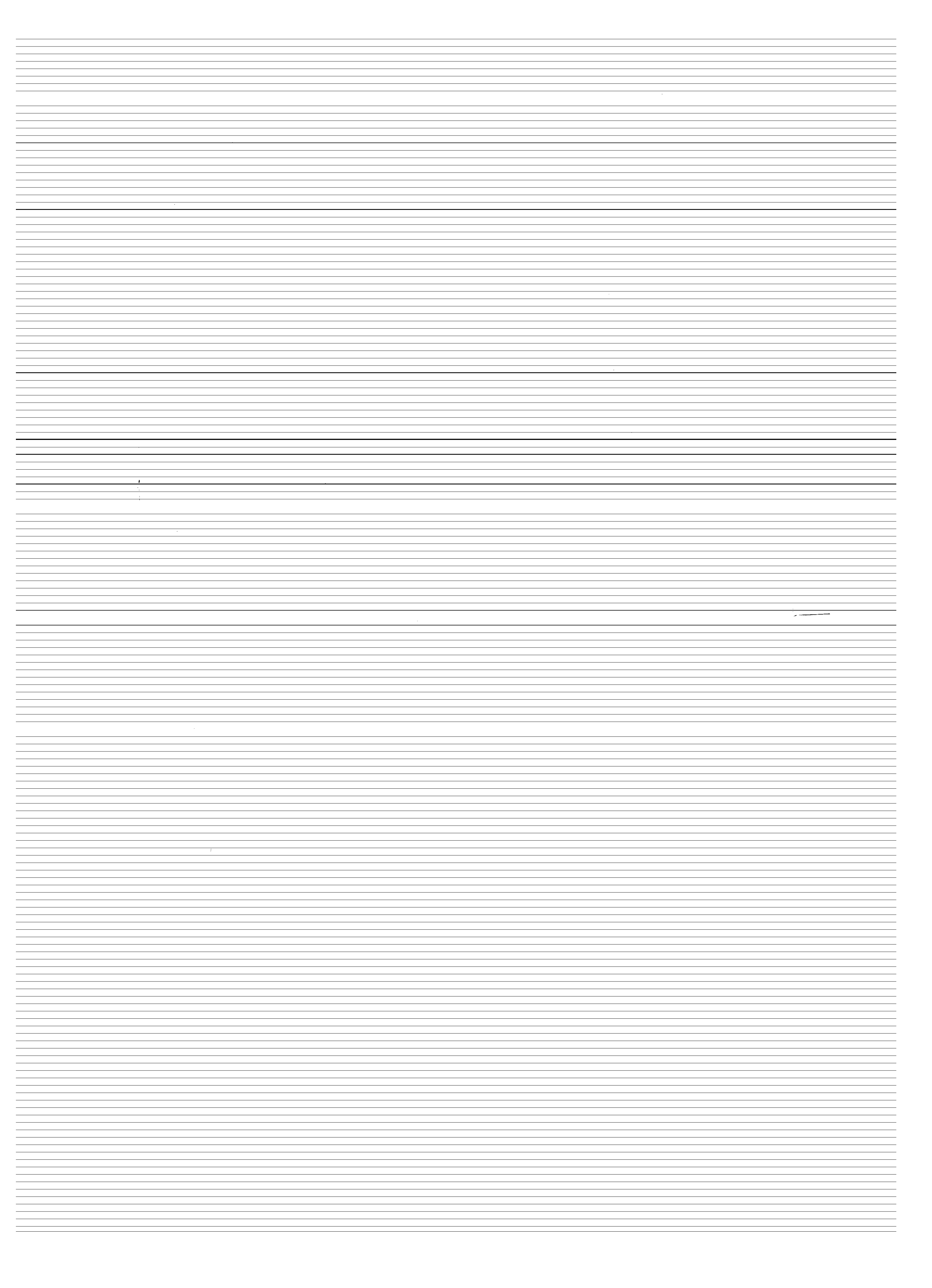
It is therefore a responsibility that attaches to the Turkish State as such, without thereby incriminating the Turkish people as a whole or the Turks as individuals.

The Genocide Convention of 1948 provides that the signatories accept to refer to the International court of Justice any dispute arising out of the convention including that relating to the responsibility of a State for genocide. Article IX of the Convention provides:

Disputes between the Contracting parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or any other acts enumerated in

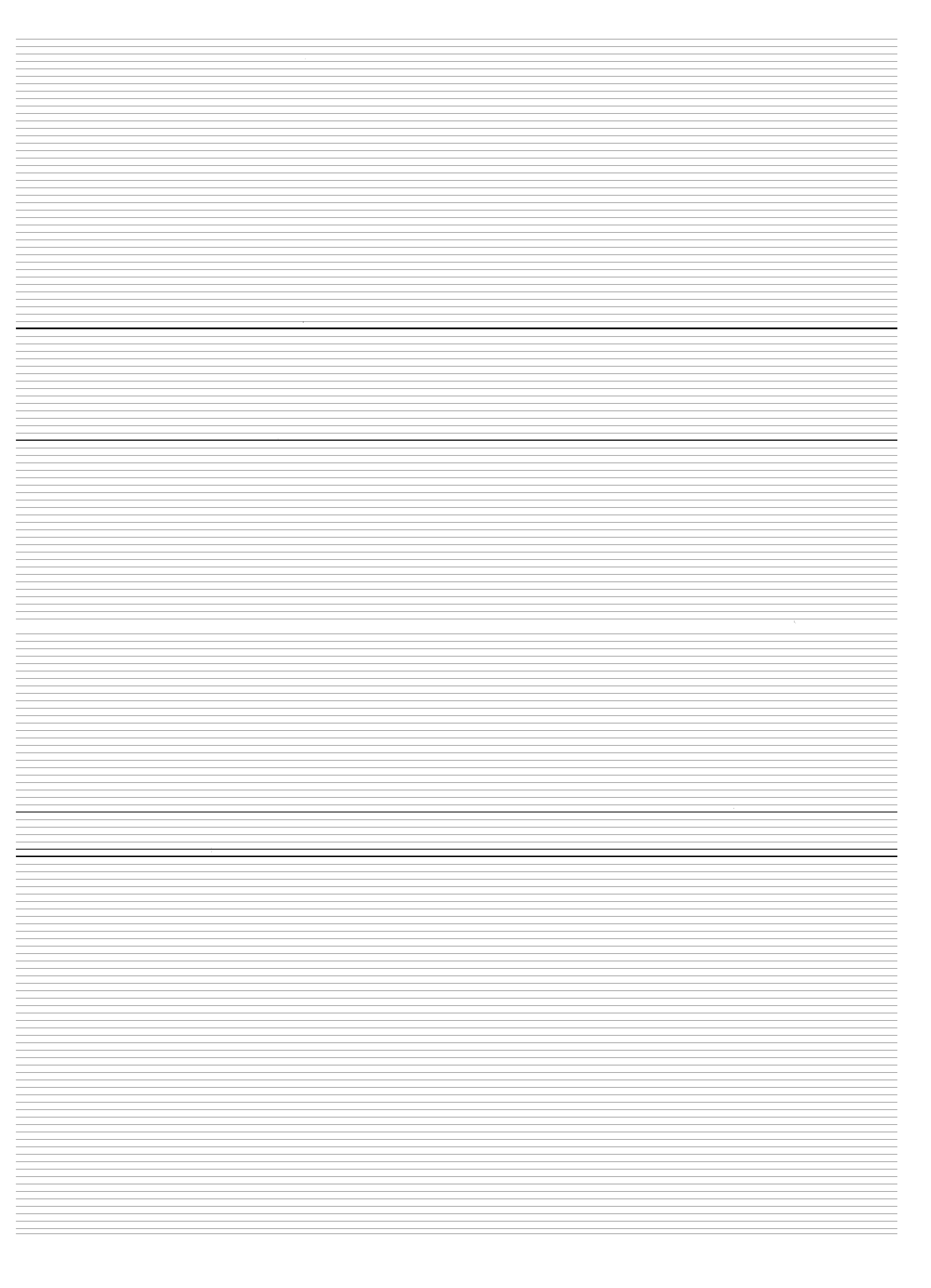
Article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Turkey is a signatory. Any other signatory can therefore ask Turkey to perform its obligations under Convention and in case of refusal, may take the matter to the International Court of Justice.



VI

Paragraph 30 of the Genocide Convention



Paragraph 30 of the Genocide Convention

1 -- The United Nations Commission on Human Rights approved in 1971 the proposal of its Sub-Commission Prevention of Discrimination and Protection of Minorities to carry out a study on the question of the prevention and the punishment of the crime of genocide. This task was entrusted to a Special Rapporteur, Mr Nicodéme Ruhashyankiko, a national of Rwanda, who was at the time a member of the Sub-Commission . It should be noted in this context that members of the Sub-Commission serve in their individual expert capacity and not as representatives of governments. this applies also to Sub-Commission members who act as Special Rapporteurs .

2 - The Special Rapporteur submitted in 1973 an interim report (doc. E/CN.4/Sub.2/L.583) which was discussed by the Sub-Commission at its 26th session in September 1973. The interim report contained in paragraphs 15-36 a historical survey. In that historical survey the writings of several authors were cited who referred to acts and practices of religious genocide in the Middle Ages and in the 16th century (paras. 28-29). Then follows paragraph 30 which will be the main subject of the present note. It reads:

Passant à l'époque contemporaine, on peut signaler l'existence d'une documentation assez abondante ayant trait au massacre des Arméniens qu'on a considéré comme 'le premier génocide du XXe siècle'.

In a footnote to this paragraph reference is made to literature on the subject. In the following paragraphs of the historical survey there is a brief description of the genocide committed by the Nazis against Jews and other peoples.

3 - While it is rather unusual to discuss in the parent body of the

Sub-Commission; viz. the Commission on Human Rights reports of the Sub-Commission which have not yet been completed, in the present case an exception was made. When the agenda item concerning the 26th session of the Sub-Commission came up for discussion in the Commission on Human Rights on 6 March 1974, the representative of Turkey focused as the first speaker exclusively on the interim report of Mr. Ruhashyankiko who himself was not present. In fact, Special Rapporteurs of the Sub-Commission only usually appear in person before the Commission when they present their final report to the Commission. The main thrust of the intervention of the delegate of Turkey was a criticism of paragraph 30 of the interim report. Among the arguments used were, that paragraph 30 misrepresented the historical truth and that it incorrectly assimilated acts of war with the crime of genocide and would revive flames of hatred. The representative of Turkey demanded that the historical references, in particular paragraph 30, be deleted before the report would take its final shape. The views of the representative of Turkey were in various ways supported by the government representatives of Pakistan, Italy, Iraq, France, Tunisia, Nigeria, the United States, Austria, Iran and Rumania. The represen tative of Ecuador asked for the deletion of other historical references mentioned in the interim report. Only the representatives of the USSR, the Netherlands and the United Kingdom did not question the interim report of Mr. Ruhashyankiko but discussed other issues relating to the Sub-Commission's work. At the end of the debate the chairman, Mr Ermacora (Austria) concluded that the views expressed would be transmitted to the Special Rapporteur so that he may take them into account (doc. E/CN.4/SR. 1286).

4 - The question of the prevention and punishment of the crime of genocide was again discussed by the Sub-Commission at its 28th session in

September 1975. Two more interim reports were before the Sub-Commission and the Special Rapporteur introduced them. The members of the Sub-Commission took by and large a more nuanced position than the delegates in the Commission of Human Rights. Several of the Sub-Commission members expressed the view that the historical references in the interim report should be retained. They also recalled that they acted as individual experts and stressed that other organs of the UN and representatives of governments need to respect the independent judgment of the Special Rapporteur. The government observer for Turkey again criticized paragraph 30 of the first interim report but also said that he fully respected the independence of the Special Rapporteur. The observer for the Commission of the Churches on International Affairs of the World Council of Churches strongly advised in a lengthy statement against the deletion of paragraph 30, in particular since the genocide against Armenians still weighs heavily on the conscience of many people and the resulting problems had not yet been solved. The chairperson of the Sub-Commission, Ms. Questiaux, concluded the debate and observed that the independence of the Special Rapporteur should be respected and that the discussion was proof of the confidence which members of Sub-Commission vested in the Special Rapporteur (doc. E/CN.4/|Sub.2/SR.737).

5 - The consolidated version of the report on the question of the prevention and punishment of the crime of genocide (doc. E/CN.4/Sub.2/416) came before the Sub-Commission at its 31st session in September 1978. The report did not contain the wording of paragraph 30 of the first interim report concerning the massacres against the Armenians nor some other historical references which were originally mentioned in the paragraphs 28 and 29. Most members of the Sub-Commission who addressed themselves to this question expressed their regret and they were joined by the observers of a number of non-governmental organizations, in

particular the International Federation for Human Rights and the Minority Rights Group. The Special Rapporteur Mr Ruhashyankiko stated in reply:

A large volume of correspondence had been received concerning the Armenian question. When work had begun on the historical part of the study, it had been suggested that as many cases as possible should be reviewed. Many members of the Sub-Commission had been opposed to that idea, however, and eventually a number of cases considered to be beyond doubt had been taken up. Concern had been expressed that the study on genocide might be diverted from its intended course and lose its essential purpose. Consequently, it had been decided to retain the massacre of the Jews under nazism; but other cases had been omitted, because it was impossible to compile an exhaustive list, because it was important to maintain unity within the international community in regard to genocide, and because in many cases to delve into the past might re-open old wounds which were now healing.

The Special Rapporteur further stated that

that procedure seemed to him to be only logical. He had not abandoned his responsibilities and, if the Sub-Commission considered that the historical chapter of the study should include all cases, he suggested that it should take a formal decision to review the chapter and to include, for example, the Armenian case. He would, however, need to have the necessary evidence (doc. E/CN.4/Sub.2/SR.822).

The Sub-Commission decided to transmit the report as it was to the Commission on Human Rights and to recommend to the Commission and to the Economic and Social Council that the report should be given the widest possible distribution. However, unlike the precedents with regard to most

other studies, the Sub-Commission did not request that the study be published in final print.

6 - The report was then discussed by the Commission on Human Rights at its 35th session in March 1979 in the context of the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It should be noted that in the debate the representatives of Austria, France and the United States, who in 1974 supported the position of Turkey, now pleaded for re-insertion of the original paragraph 30. The same view was expressed by the representatives of Australia and Cyprus. Again the International Federation for Human Rights and the Commission of the Churches on International Affairs of the World Council of Churches voiced their deep concern about the deletion of the reference to the Armenian massacres. On the other hand the observer for Turkey and the representative of Pakistan were of the opinion that the report should be oriented towards the future and they were satisfied with the deletion of historical references. At the end of the debate the chairman, Mr. Beaulne (Canada), made the following formal statement which the Commission decided to include in its report:

J'ai reçu un grand nomber de lettres et de messages de toutes sortes provenant de differents pays au sujet des passages de caractère historique qui ont été supprimés dans le rapport relatif au génocide. A Genève, des groupes et des particuliers m'ont fait des représentations à l'égard de ces omissions dont les effets prennent des proportions d'une ampleur que l'auteur n'avait sans doute pas prévue.

Dans les circonstances, j'ose exprimer l'espoir que M. Ruhashyankiko voudra bien tenir compte de ces communications ainsi que des interventions que nous avons entendues au cours du débat sur le point 22 de l'ordre du jour lors qu'il s'agira pour lui de mettre la dernière main au texte de son rapport (doc. E/1979/36, para. 313).

The Special Rapporteur was several times contacted and reminded of Mr Beaulne's statement but he did not react and apparently stuck to the position he had taken during the Sub-Commission's 31st session in September 1978.

7 - As a person who was present during all the discussions referred to above, first as the representative of the Netherlands on the Commission on Human Rights, later as a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and finally as the director of the United Nations Division of Human Rights, I would like to make the following concluding remarks:

(i) it is regrettable that ill-conceived governmental interests, in particular as they became evident in a diplomatic campaign prior and during the 1974 session of the UN Commission on Human Rights, played such a dominant role in efforts to obscure the plight of the Armenian people;

(ii) it is also regrettable and detrimental to human rights and to the rights of peoples that the same governmental interests try to jeopardize the independent role and the integrity of individual experts;

(iii) thanks to the vigilance of individuals, groups and non-governmental organizations, the conscience of the world is kept alive, the truth of history is not buried, even the position of some governments is corrected and new avenues in the UN are being opened in order to vindicate what is true and just.